

MEETING
STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

BONDERSON BUILDING
901 P STREET
HEARING ROOM, FIRST FLOOR
SACRAMENTO, CA

THURSDAY, FEBRUARY 26, 2009
8:34 A.M.

LINDA KAY RIGEL, CSR
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APPEARANCES

BOARD MEMBERS

Mr. Benjamin Carter, President

Mr. Francis "Butch" Hodgkins, Vice-President

Ms. Maureen "Lady Bug" Doherty, Secretary

Ms. Teri Rie, Member

Mr. John W. Brown, Member

Ms. Emma Suarez, Member

STAFF

Mr. Jay Punia, Executive Officer

Ms. Virginia Cahill, Legal Counsel

Mr. Dan Fua, Supervising Engineer

Mr. Gary Hester, Chief Engineer

Mr. Eric Butler, Senior Engineer

Ms. Lorraine Pendlebury, Staff Analyst

Mr. James Herota, Environmental Specialist

DEPARTMENT OF WATER RESOURCES

Mr. Jon Yego, Senior Engineer

Ms. Nancy Finch, Legal Counsel

Mr. George Qualley, Chief, Division of Flood Management

Mr. Mike Inamine, Chief, Levee Repairs and Floodplain
Management Office

Mr. Paul Farris, Branch Chief, Real Estate

APPEARANCES continued

Mr. Ward Tabor, Assistant Chief Counsel

Mr. Rod Mayer, Chief, Flood Management

ALSO PRESENT

Mr. Darren Mack, Sanders & Associates Geostuctural Engineering, Inc. (SAGE)

Jim Sander, US Army Corps of Engineers

Mr. Scott Shapiro, Three Rivers Levee Improvement Authority; also as special counsel for Sacramento Area Flood Control Agency; also as co-program manager of West Sacramento Area Flood Control Agency Levee Improvement Project

Mr. Tom Eres, representing Hofman Ranch

Ms. Beth Tincher, Senior Project Manager, City of Sacramento, Economic Development Department

Mr. Jarvis Payne, Walker Macy

Ms. Erin Mullin, Project Manager,

Mr. Ric Reinhardt, MBK Engineers

Mr. Eric Nagy, PE. HDR Engineering

Mr. Michael Bessette, City of West Sacramento

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1 P R O C E E D I N G S

2 --o0o--

3 PRESIDENT CARTER: Good morning, ladies and
4 gentlemen. Welcome to our cozy little meeting of the
5 Central Valley Flood Protection Board here in February.

6 Mr. Punia, could you call the roll, please.

7 EXECUTIVE OFFICER PUNIA: Good morning. Jay
8 Punia, Executive Officer, Central Valley Flood
9 Protection Board.

10 Except for Board Members Butch Hodgkins and
11 Teri Rie, the rest of the Board Members are present.

12 PRESIDENT CARTER: So we do have a quorum.

13 We will move on to Item 2, approval of the
14 minutes, December 16, 2008.

15 BOARD MEMBER BROWN: I move approval,
16 Mr. Chairman.

17 SECRETARY DOHERTY: I'll second.

18 PRESIDENT CARTER: We have a motion and a
19 second. Any discussion? All those in favor indicate
20 by saying aye.

21 (Ayes)

22 PRESIDENT CARTER: Opposed?

23 (No response)

24 PRESIDENT CARTER: The motion carries
25 unanimously.

1 On to Item 3, approval of the agenda. Are
2 there any corrections to the agenda for our meeting
3 today?

4 EXECUTIVE OFFICER PUNIA: No changes from
5 staff.

6 PRESIDENT CARTER: Okay. Any changes from the
7 Board? All right. We'll entertain a motion to approve
8 the agenda as published.

9 SECRETARY DOHERTY: I'll make the motion to
10 approve the agenda as published.

11 BOARD MEMBER BROWN: I'll second it.

12 PRESIDENT CARTER: Okay. We have a motion and
13 a second. Any discussion?

14 BOARD MEMBER SUAREZ: I have a question.

15 PRESIDENT CARTER: Speak up.

16 BOARD MEMBER SUAREZ: Item Number 10. If
17 we're not going to take action, why does it remain on
18 the agenda?

19 DEPUTY ATTORNEY GENERAL CAHILL: We wanted to
20 give the opportunity to the Board to explain why we're
21 recommending that you not take an action.

22 And in addition, the City of -- SAFCA is going
23 to make a presentation, an informational presentation,
24 in preparation for their two permits that will come
25 before you next month.

1 BOARD MEMBER SUAREZ: Thank you.

2 PRESIDENT CARTER: Any other questions?

3 Discussion? Okay. We have a motion and second to
4 approve the agenda as published. All those in favor
5 indicate by saying aye.

6 (Ayes)

7 PRESIDENT CARTER: Opposed?

8 (No response)

9 PRESIDENT CARTER: Motion carries unanimously.

10 At this time we have a public comment period.
11 This is a time when we invite members of the public to
12 address the Board on unagendaized items. We ask that
13 you limit your comments to three minutes, if you would
14 please.

15 But this is for unagendaized items. Everyone
16 will have the opportunity to address the Board on
17 agendaized items as they come up before the Board
18 today.

19 I don't have any cards -- we do have 3-by-5
20 cards; if you do wish to address the Board, we request
21 that you fill those out and give those to Lorraine so
22 that she can be sure that we know that you want to
23 address the Board and can recognize you at that time.

24 I don't have any of those. Are there any
25 members of the public who do wish to address the Board

1 on unagendaized items?

2 (No response)

3 PRESIDENT CARTER: Very good. We'll move on.

4 I think we'll postpone Item 5, Ceremonial
5 Matters, and we'll move on to Item 6, Report of the
6 Activities of the Department of Water Resources. Good
7 morning Mr. Qualley, welcome.

8 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

9 Good morning. Good morning, President Carter, Members
10 of the Board.

11 I'll start off as usual with the Water
12 Conditions report, which is not good but a little bit
13 better from the last week or so, but not nearly enough
14 to get us out of this dry run we're in.

15 As of the end of January, our precip was only
16 about two-thirds of average to date, and the runoff
17 about one-third of average to date. The reservoir
18 storage about two-thirds of average to date. And the
19 snow pack was only about 50 percent.

20 Those numbers should go up for the snow
21 surveys we'll be doing next week which will include the
22 February precipitation, but it won't keep pace with
23 where it should be because, of course, January is
24 supposed to be one of our better months for precip and
25 it was -- actually turned out to be the eighth driest

1 January on record with precip only about 30 percent of
2 average for the month.

3 So we'll take what we can get, but we needed a
4 whole lot more than we got so far. We'll keep our
5 fingers crossed.

6 Statewide Flood Planning Office. They've been
7 involved in a variety of activities, working on the
8 flood control system status report, and they are --
9 have a draft available or are at the point of having a
10 draft, anyway, this month.

11 We had a big meeting, set of workshops, on
12 January 13th and 14th among the team members to really
13 discuss the strategy for communications amongst all of
14 the entities that will be involved in the planning
15 process, both from the integrated water management side
16 and Central Valley Flood Protection side.

17 So we can move towards our goal within the
18 Department, having better integration on all of our
19 planning processes on the water side -- on the water
20 supply/water quality and flood protection side.

21 One of the aspects of this communication
22 process is to do stakeholder partner interviews, and
23 those are underway right now.

24 There's been notifications sent to about 100
25 people that have been selected for interviews as part

1 of that process, just to kind of get, you know,
2 one-to-one views on different people's perspectives and
3 such, what they're looking for out of the planning
4 process and, you know, how can they see themselves best
5 participating in that process so we can provide
6 opportunities for that.

7 Been meeting with different work groups, and
8 there'll be a number of these type of meetings. One
9 that was held in early February with Sacramento Valley
10 Flood Control Action Work Group.

11 And I believe that's the one that's -- I
12 wouldn't call it a subset of the Central Valley
13 Association, but I know they have been involved in
14 participating in the formation of that. So I'm sure
15 there will be a number of these regional groups that
16 we'll be coordinating within the planning process.

17 And we're also coordinating very closely, as
18 one would expect, with the Corps of Engineers. We have
19 had a couple meetings with them, and they are very
20 interested, as we are, in figuring out the best way for
21 them to participate in this planning process.

22 So we're making good strides in that
23 direction. They have various authorities they can use
24 to participate in the planning process. And the people
25 over there, especially people like Chris Altendorf and

1 Colonel Chapman over at the Sacramento district office,
2 they very much want to take advantage of those
3 authorities to the extent possible, so they can really
4 be true partners in this planning process.

5 Floodplain Management Branch. The SB 5
6 Building Code project, they're continuing to make
7 progress. They've got a couple of public meetings to
8 talk about some of their draft material.

9 And they're moving, you know, towards having
10 various technical advisory committee meetings and
11 moving towards closure on coming up with
12 recommendations that will be presented to the Building
13 Standards Commission, I believe in June.

14 Alluvial Fan Task Force similarly has been
15 meeting for over the past year. And they've, you know,
16 developed a lot of good, you know, material, studies,
17 and analysis, the history and geology, environmental
18 resources, risk factors, and multiple benefits
19 associated with alluvial fans.

20 There haven't been an awful lot of focused
21 work done on alluvial fans and the special risks they
22 present in various ways, so this is a very productive
23 process we've been fortunate to be able to proceed
24 with.

25 It was authorized by Assembly Bill 2141, and a

1 lot of the funding has come from FEMA, pre-disaster
2 mitigation grant. So we're leveraging our funding from
3 our federal partners.

4 Flood Project Inspection Section. We've
5 released the results of the fall 2008 levee maintenance
6 inspections, and the ratings did improve markedly from
7 2007-2008, so the local maintaining agencies are making
8 significant strides to get the system in better shape.

9 And the -- there was -- a written report is
10 being developed right now, and we expect to be able to
11 publish that next month.

12 And of course this is the annual inspection
13 report that we have been doing now for decades. It's
14 an ongoing report, not to be confused with the new LMA
15 report which is a new annual report that, you know, the
16 first one was just produced last month.

17 And just a reminder to the Board that you'll
18 be getting a presentation from John Erickson next month
19 on some of the key points in that LMA report.

20 BOARD MEMBER BROWN: What do you do? Do you
21 walk the levees or drive them, or how do you do the
22 inspection?

23 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
24 For the annual inspections?

25 BOARD MEMBER BROWN: Yeah.

1 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

2 All of the above. Meaning just -- with the extent of
3 1600 miles of levees, there is a very lot of driving
4 but there are, you know, there are areas that, you
5 know, you know from past knowledge have had problems.
6 So there are areas like that where they get out and
7 walk.

8 And also it's our -- there's actually four
9 inspections a year. And our staff, you know, does --
10 is responsible for two of the inspections, and that's
11 what results in our spring/fall inspection reports.

12 But the local agencies too. They do their
13 inspections on the opposite quarters, so -- and of
14 course, reporting back in to our people.

15 So, you know, the combination of the
16 inspections by our own internal staff and the locals
17 give the levees a pretty good look.

18 SECRETARY DOHERTY: I have a question for you
19 also. At a meeting I attended yesterday, the situation
20 came up where you want the levees all totally burned
21 off. And there used to be a lot of wildlife in this
22 particular area. There is no more birds anymore.

23 Is there anything we can do to address this
24 and use some common sense in where we need to burn and
25 where we need to clear out debris or brush?

1 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: I
2 guess I'd have to know more about the specifics of the
3 meeting you were at. I mean, we are -- you know, we
4 certainly want to be sensitive to all the environmental
5 aspects to what we do, and there are, you know, certain
6 areas, certain portions of the levee that that is the,
7 you know, the practice to burn on an annual basis.

8 SECRETARY DOHERTY: Perhaps I can meet with
9 you sometime, and I could show you some of these levees
10 where there used to be wildlife and now there is
11 nothing.

12 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
13 Okay.

14 SECRETARY DOHERTY: And it is -- in one case,
15 it's a levee that's not helping with water. It's just,
16 you know, just a levee.

17 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
18 Okay. Because we do -- we are in consultation with the
19 environmental resource agencies on all of the
20 activities that we do. So, you know, presumably these
21 practices are known to those agencies.

22 But I am interested in hearing more about the
23 specifics of what, you know, raised your question
24 because, you know, we certainly want to be doing the
25 right thing from all aspects.

1 Flood Ops Branch. Medford Island, there
2 was -- had a little bit of activity towards the end of
3 January. Last year, we got word that a hole in the
4 levee had formed due to burrowing animals.

5 And normally, the picture that comes to mind
6 is -- you know, we all know that the burrowing animals
7 typically aren't all that big, so rodent holes are a
8 problem. We want to deal with them.

9 But this one was pretty amazing. We got some
10 pictures of it, and it was just literally a cave that
11 had developed in this particular levee. You could have
12 crawled inside of it. And it manifested itself when it
13 actually had undermined a part of the levee, and it
14 just caved in toward the crest.

15 The RD did get on it very quickly and had it
16 repaired within a day. And it was at a location where
17 the normal low water, it wouldn't have water in it, but
18 at the highest tide water would trickle into it.

19 So it was good that it was discovered and
20 fixed quickly, but it really makes a person wonder how
21 many more of those type of areas are out there in the
22 levee system.

23 BOARD MEMBER BROWN: Did you find the animal?

24 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

25 No, but some of the pictures we saw we were kind of

1 speculating what kind of an animal it might be. And
2 some of the pictures, you could see on the wall a hole
3 that would be about the size of a ground squirrel.

4 But it could have been a -- some combination
5 of a rodent. It's hard to say.

6 Flood System Analysis Section. They're
7 continuing to work on tools to be able to bring
8 together several different types of data so we can use
9 that to assess and rate the levee system and identify
10 weak spots.

11 And they're putting a proposal together right
12 now to do some, you know, additional work on that for,
13 you know, how they can bring all this information
14 together. And I'm sure I'll be able to give you more
15 detail on that next month.

16 The State Emergency Action Team report. Staff
17 has been summarizing a lot of key information on those
18 because we've got quite a number of activities on these
19 where we go out -- where we're called out to where
20 fires are happening.

21 And of course we had a tremendous number of
22 fires last summer, so we're kind of pulling the
23 information together on a lot of these reports now so
24 we can have the information organized and be able to
25 serve as a reference for us looking forward to

1 determining potential impacts associated with future
2 storms in the burned areas.

3 Sometimes it will happen -- really, whenever
4 they happen in the dry season, you're never going to
5 have enough time before the next wet season to really
6 do a decent job of remediating the burn area because
7 obviously you need to get more growth going in there
8 and those types of things.

9 But the more we can learn from, you know,
10 what's happened in the past and how the watershed
11 responds, it helps. And actually, we've been -- knock
12 on wood -- we've been kind of surprised in some of the
13 burn areas from last year when the rains did come in.
14 It wasn't as nasty as we might have expected it to be.

15 Maybe we were just lucky or maybe there's some
16 things we can learn about the characteristics of how
17 those watersheds were managed that made them less
18 likely to have a lot of the mudslide problems that you
19 typically have.

20 I'll skip over some of the stuff here.

21 We're constantly updating our web portal and
22 meeting with folks from all different aspects of the
23 flood community. We have 136 users now signed up for
24 the webcast of our -- for our hydrology briefings,
25 which I think I mentioned in the past.

1 I mean, that's a real asset because there's
2 only so many people you can cram into the Flood Center
3 for those briefings. And the way we have got it set up
4 right now, the people who are dialing in through the
5 web pretty much get the same quality of information as
6 if they were right there.

7 I mean, they are hearing the person doing the
8 presentation, and they're seeing the same information
9 going up on the screen as what the people in the flood
10 center are seeing. So we're trying to use technology
11 to our best advantage, and I think it's being really
12 helpful.

13 Emergency Response and Security Section. I'm
14 on page 9 now. They have updated the flood-related
15 part of our three-year exercise plan for permission to
16 Cal-EMA, which is the new name for what used to be
17 called the Governor's Office of Emergency Services.
18 Kind of a more catchy title there for them.

19 And we are also in the process of implementing
20 the field exercise to test and train Incident Command
21 Teams, and we're going to be having an exercise next
22 month in the Delta area and be working in cooperation
23 with a whole host of agencies on that.

24 Our Early Implementation Program projects
25 are -- pretty much have been shut down for the winter

1 season, but we're very quickly getting to the point
2 where they need to be advertising and awarding
3 contracts for work in 2009.

4 And of course everybody's been biting their
5 nails about the budget situation, and of course
6 nobody's more familiar with that than you Board Members
7 because there's -- you know, we've got the issue of
8 what type of funding assurance do we need to have in
9 place before, you know, you, the Board, can authorize
10 certain work.

11 We were, of course, very happy that the budget
12 passed last week. We have been making inquiries to
13 kind of get an idea of how quickly funds can start
14 flowing again, and it's really hard to get really
15 definite answers because nobody has real definite
16 answers.

17 So it takes -- from what I understand from
18 various conversations, it, you know, takes a while to
19 get the machinery of the finances in the state rolling
20 again.

21 Of course, one of the most important things is
22 to be able to sell additional bonds. Back in January
23 the PMIB authorized \$650 million for invoices that have
24 been received through December 17th, and of course that
25 money has been in the process of being doled out.

1 And my understanding is that, really, that the
2 bills that are on hand right now for work that's been
3 done to date is somewhere in the order of \$2 billion.
4 And that's probably going to be the first priority to
5 get, you know, the bills caught up to date.

6 And then of course there's a whole bunch of
7 new ones planned for the future. I don't know exactly
8 how they're going to work that, but I've heard that
9 probably somewhere around mid March they're going to
10 try to do a bond sale.

11 And that will tell us a lot about, you know,
12 what is California's credit rating, what kind of an
13 interest rate will they get on the bonds. And that
14 will, you know, play into how well the bonds sell and
15 how much more they can sell as soon as possible.

16 Obviously, we want to, you know, get into the
17 full flow of things very quickly. But that's all I
18 know about it. It's probably more than I know, but
19 it's certainly all that I can say.

20 I'll probably just skip through the rest of
21 the details on the EIP projects. Of course at any time
22 I'll be happy to answer any questions on something I
23 might have skipped over that you want to talk some more
24 about.

25 Moving on to the Sacramento River Bank

1 Protection Project. There's 34 sites that are under
2 design for this year and for next year's construction.

3 We're looking at about 13 sites for this year
4 that we resolved right-of-way issues and all the normal
5 issues that we have to take care of before we can move
6 to construction.

7 And the rest, the other 6,000 lineal feet,
8 will be completed the next calendar year.

9 BOARD MEMBER BROWN: You probably put this in
10 just to see if we were reading it or not but --

11 (Laughter)

12 BOARD MEMBER BROWN: The page 12, the second
13 paragraph from the bottom. Repairs completed -- you
14 mean in 2008?

15 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
16 You're exactly right, John. We left that in there so
17 you could catch it.

18 (Laughter)

19 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
20 That is incorrect. It should say 2008.

21 They did complete quite a body of work on the
22 PL84-99 rehabilitation assistance program, which of
23 course it -- some of that funding comes through the
24 Corps of Engineers. So we were appreciative of having
25 some of that federal funding to assist us in that work.

1 As it says in the following paragraph, there's
2 another 17 sites and already 150 that we would like to
3 move forward with. We need to ensure that the
4 maintenance is being done adequately.

5 Moving up like a couple of paragraphs, I just
6 want to mention briefly there's -- we have done a fair
7 amount of work on the 2006 -- work that was identified
8 from the 2006 event, and the work was authorized under
9 that Governor's emergency declaration.

10 But the five sites that we talk about in the
11 beginning of this paragraph, that's the last of the
12 work that was actually identified under the Governor's
13 executive order.

14 And the paragraph goes on to talk about the
15 environmental resource agencies have been very
16 cooperative working with us on doing these emergency
17 sites. They have indicated that, you know, to the
18 extent there is additional ongoing work that we have in
19 mind, they really think it would be appropriate to, you
20 know, do a programmatic environmental documentation for
21 future repairs, and we do not disagree with them on
22 that.

23 And also in conjunction with looking forward,
24 we've prepared a couple of policy papers on how we
25 might want to address, you know, future repairs, you

1 know, thinking about cost-share programs, that type of
2 thing.

3 So we've -- we're quite a ways along in draft
4 on these policy papers. And at a future Board meeting
5 after we've, you know, approved them internally, we'll
6 be briefing the Board on the nature of those.

7 But we are trying to look forward. What kind
8 of programs are appropriate to continue making, you
9 know, repairs on the system.

10 Urban Levee Evaluations Project. A number of
11 details here about evaluations that are underway.

12 Indicates on the bottom of page 13 that
13 because of the budget issues that we canceled the March
14 Independent Consulting Board. And that is true,
15 although since we got a little bit of encouragement
16 here with the budget being passed, they are going to
17 have what they call a short ICB.

18 It's not going to be a formal Board meeting,
19 so those are pretty large affairs and probably, you
20 know, 30, 40 people that attend those. But there is a
21 lot of design issues to talk about, especially related
22 to the Natomas Levee Improvements Program.

23 So they're going to have a smaller group with
24 maybe, you know, maybe one or two of the Board Members
25 and some other folks to discuss some of these design

1 issues, and that will be taking place next week.

2 And you'll see in kind of a recurrent theme
3 when we talk about the evaluations that due to the
4 budget situation and the inability to issue new task
5 orders, or amend existing ones, all work on whichever
6 activity we're talking about will be on hold
7 indefinitely.

8 And we -- that relates back to my comment
9 earlier on the budget. We really haven't gotten, you
10 know, the go yet on issuing new task orders.

11 Obviously when we issue a new task order it
12 obligates us to pay for the work, but the invoice isn't
13 going to come in on that for a while. So we're hoping
14 that we can, you know, get some word through finance in
15 reasonably short order to allow us to, again, initiate
16 new work. But we haven't gotten that specific
17 direction yet.

18 And with that, this is just a quick mention on
19 the non-Urban Levee Evaluations. Of course the Urban
20 Levee Evaluations, they've been ongoing for a couple of
21 years, and they're probably a couple more years to go
22 to wrap those up.

23 The Nonurban Levee Evaluations, that's just --
24 really just getting under way this year.

25 And of course the urban evaluations, there's

1 350 miles of levees, and there's some pretty extensive
2 work. I mean, in most areas, they were doing extensive
3 boring and just a lot of physical work to get as
4 much -- as large a body of knowledge as we can about
5 the makeup of the levees and especially the underlying
6 foundation.

7 Nonurban levees, there's about over 1200 miles
8 of those levees. And obviously, the cost to do that
9 extent of investigation would be prohibitive.

10 So taking a little bit different approach with
11 the nonurban levees. And the initial phase of it is
12 going to be more looking to see what information is
13 available on those areas and in, you know, various type
14 of data-gathering that doesn't involve, you know,
15 extensive drilling, that type of thing.

16 Then Phase Two will be to kind of take the
17 results of that, and then there probably will be areas
18 where there is more a detailed investigation.

19 But they're kind of taking a phased approach
20 to this because there are so many miles of them, and we
21 don't have an infinite amount of money to do this work.

22 And with that, I'll stop and ask if you have
23 any questions.

24 PRESIDENT CARTER: Mr. Qualley, I've been
25 asked on a couple of occasions with regard to the

1 Nonurban Levee Evaluations: Some of the rural
2 communities are not as up to speed as, obviously, the
3 urban communities are and -- but remain concerned in
4 terms of what level of protection they have, what the
5 implications of that are in terms of their being mapped
6 into the floodplain or not.

7 And they're wondering what kind of assistance
8 and what the process is that they can access to get
9 assistance from the state or federal government.

10 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
11 We do have plans on that. I'll have to admit I'm not
12 sure if it's on the agenda today or not.

13 So we definitely want to have Mike Inamine
14 address the Board on the Nonurban Levee Evaluation
15 program, and maybe you can remind me, Jay --

16 EXECUTIVE OFFICER PUNIA: He is on the agenda
17 as an informal briefing. So he will be here in the
18 afternoon.

19 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
20 Okay. I thought that was the case. So Mike will be
21 able to tell you more about that.

22 PRESIDENT CARTER: Okay.

23 Any other questions for Mr. Qualley?

24 VICE-PRESIDENT HODGKINS: George, I'm not sure
25 this is your bailiwick, but there was a Delta DRMS

1 Study -- which I don't know exactly what that was --
2 but it's my understanding now that the Department of
3 Water Resources and the Corps are about to embark on a
4 feasibility study.

5 Do you know anything about what that is?

6 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

7 It's kind of on the periphery of my responsibilities,
8 and I probably am not as up to speed on all that should
9 be.

10 I mean, the DRMS Study, the Delta Risk
11 Management Strategy, was a technical study to really
12 identify -- you know, they were looking at specific
13 risks to the Delta levees and really coming up with a
14 report that evaluated what is the extent of those risks
15 and kind of take a preliminary look at some of the
16 strategies that might be used to address some of those
17 risks.

18 But the real meat of it would -- and that
19 would kind of serve as a technical basis for going on
20 with more detailed studies about, you know, what are
21 the feasible alternatives to really move forward.

22 So to my understanding would be the
23 feasibility study would be something that, you know,
24 the State would be doing in conjunction with the Corps
25 of Engineers where we're hoping the Corps is going to

1 bring significant funding to this.

2 We have a very significant authorization of
3 funding -- over, I think it's like \$190 million
4 authorization for spending. But of course
5 authorization is worth this much, and the appropriation
6 is worth this much, and they don't have anywhere near
7 that kind of appropriation.

8 But certainly working very closely to bring
9 the Corps into the process, and they would cooperate on
10 a feasibility study to develop alternatives.

11 BOARD MEMBER BROWN: Butch, is that the study
12 you sent to me identifying the Delta management and
13 Delta improvements?

14 VICE-PRESIDENT HODGKINS: It is not. And I'm
15 not sure here what the Board's interest is in the
16 Delta, but there are a lot of things going on.

17 There is the Bay/Delta Conservation Plan,
18 which was the nature of the study that I sent to you,
19 that in effect talks about re-plumbing the state to
20 make the transfers less environmentally damaging to the
21 fish and other modifications to the system to help the
22 fish.

23 Then there's the DRMS study which is, I guess,
24 emergency assessment of the likelihood of failures in
25 the Delta.

1 And now there's a feasibility study.

2 If the Board's interested -- I certainly would
3 be interested, but I can pursue this outside the
4 Board -- in having some kind of an overview from the
5 Department of Water Resources of how all these things
6 fit together and -- you know, usually the Board's part
7 of feasibility studies is support. I'm not sure that's
8 appropriate in the Delta, or that might be appropriate.

9 But I'd like to understand the nature of that
10 work and what is the focus of DWR's standpoint in terms
11 of any Board responsibility.

12 BOARD MEMBER BROWN: Yeah.

13 VICE-PRESIDENT HODGKINS: We have plenty to do
14 without digging into something else.

15 SECRETARY DOHERTY: But Butch, what happens in
16 the Delta definitely affects what happens all the way
17 up the system. And are they going to be taking more
18 water to convey to the Delta? So I think we need to be
19 concerned about that.

20 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
21 Yeah, I can make arrangements for a briefing.

22 PRESIDENT CARTER: Mr. Punia?

23 EXECUTIVE OFFICER PUNIA: I just want to let
24 the Board know that we have invited Paul Marshall for
25 the March meeting tentatively to give an overview of

1 the Bay/Delta Conservation Plan. And we will
2 coordinate with George maybe before that what overview
3 of these studies fit together and provide that also.

4 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

5 And then, just for the Board's information, we're -- I
6 am starting some periodic coordination meetings between
7 our staff and flood management, particularly the
8 hydrology and flood operations and Delta Suisun Marsh
9 folks and Paul Marshall's group on the -- via CCP. And
10 I've forgotten what that stands for right now, but it's
11 the Delta studies that are going on.

12 So we're -- you're right on target, Butch. I
13 mean, there's a lot of activities going on, and I think
14 everybody's trying to make an extra effort here to stay
15 well-coordinated because virtually everything affects
16 everything else.

17 PRESIDENT CARTER: Any other questions? Thank
18 you very much.

19 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

20 Okay.

21 PRESIDENT CARTER: Okay.

22 For the record, would you please show that
23 Butch arrived and joined us during Mr. Qualley's
24 briefing at 8:42. Thank you.

25 At this point, we're going to return to

1 Item 5, and I want to say that this is one of the best
2 parts of our job is we are able to recognize
3 individuals who have given of themselves for the
4 benefit of many others. And so what I'd like to do is
5 ask Jim Sander to join me.

6 As you all are probably aware, Jim is retiring
7 from the US Army Corps of Engineers. In fact, his last
8 day -- and he's got a big smile on his face -- is
9 tomorrow. So we have two things we'd like to present
10 to him.

11 One is a resolution honoring his service to
12 the Board, to the State, and the other is a banana.
13 And so we'll do the lighter side first.

14 We're presenting this banana to Jim -- there
15 are three primary reasons. And you know these, don't
16 you?

17 (Laughter)

18 PRESIDENT CARTER: One is, the banana is
19 yellow. Yellow is an important color for Jim. It's
20 his favorite color.

21 The second is that the banana is a fruit. And
22 the significance of that is that it's not meat. Jim is
23 a vegetarian.

24 And the final important fact of the banana is
25 that it is very portable. So for a guy who's on the

1 run like Jim all the time, he can take it and enjoy it
2 wherever he and whenever he is.

3 (Laughter, applause)

4 PRESIDENT CARTER: On a more important and
5 serious note, the Board has prepared a resolution
6 recognizing your service, and I would like to read that
7 into the record if I may. It says:

8 State of California, Natural Resources
9 Agency, Central Valley Flood Protection
10 Board Resolution Number 0906.

11 Whereas Mr. James Sander will retire
12 from the Army Corps of Engineers on
13 February 28, 2009 after approximately 31
14 years of service with honor and
15 distinction; and

16 Whereas Mr. Sander coordinated the
17 Sacramento District Operations Readiness
18 Branch levee reviews for the Central
19 Valley Flood Protection Board for the
20 benefit and safety of the citizens of
21 the state; and

22 Whereas Mr. Sander's leadership and
23 expertise on the operations maintenance
24 of the federal project levees greatly
25 assisted the Board and their staff with

1 their permitting efforts and project
2 approval; and
3 Whereas Mr. Sander provided invaluable
4 assistance to the Board in project
5 implementation, permitting, vegetation
6 issues, and education of federal
7 regulations for the benefit of the State
8 and its citizens; and
9 Whereas Mr. Sander provided invaluable
10 assistance to the Board in developing
11 national 408 guidelines for the use of
12 public agencies to improve the State's
13 flood control system; and
14 Whereas Mr. Sander's high degree of
15 professionalism, integrity, and
16 knowledge has earned him the trust and
17 respect of Board Members, staff, and
18 members of the public;
19 Now therefore be it hereby resolved that
20 we extend to Mr. James Sander our
21 highest commendation and our most
22 sincere appreciation for his services to
23 the Central Valley Flood Protection
24 Board and the State of California.
25 And be it further resolved that the

1 Board extends its most sincere wishes to
2 Mr. James Sander as he continues on his
3 personal endeavors --

4 With his banana.

5 (Laughter)

6 PRESIDENT CARTER: (Reading:)

7 And be it further resolved that this
8 resolution be engrossed in the Official
9 Minutes of the Board and a suitable copy
10 provided to Mr. James Sander.

11 Signed myself and Secretary Doherty from the
12 Central Valley Flood Protection Board. Jim.

13 (Applause)

14 MR. SANDER: It's been a pleasure to work with
15 the Board and with the staff of the Flood Protection
16 Board in trying to do our best to reduce flood risk for
17 the people of California, and it's been a pleasure.

18 Thank you very much.

19 PRESIDENT CARTER: Thank you. All right,
20 ladies and gentlemen. We'll move on to Item 7, Three
21 Rivers Levee Improvement Authority monthly report. And
22 Mr. Brunner is not with us today, so Mr. Shapiro will
23 be presenting on behalf of Three Rivers.

24 MR. SHAPIRO: Good morning President Carter,
25 members of the Board. Scott Shapiro, general counsel

1 for Three Rivers Levee Improvement Authority.

2 We were unaware that Mr. Sander was receiving
3 the award this morning, although the Authority
4 certainly agrees with everything that was in that
5 resolution. He's been vital to moving along our
6 project as well.

7 And Jim, we'll all miss you and your
8 involvement as well.

9 MR. SANDER: Thank you.

10 MR. SHAPIRO: Mr. Brunner was not able to make
11 it this morning. He did talk with me late last night
12 about a few items he wanted to ask me to brief the
13 Board on this morning.

14 I think the report is fairly self-explanatory.
15 I do have four items in particular I'd just like to
16 take a moment to brief the Board on.

17 Consistent with Mr. Qualley's statements
18 regarding the status of the state budget and funding,
19 Three Rivers is anxiously waiting to find out what the
20 status and timing of funding will be for the completion
21 of our setback levee this year.

22 We are gearing up to be able to construct in
23 late April. We're hopeful that we'll be able to do so
24 late April. We acknowledge it may slip depending on
25 fund availability. We have sufficient local funds to

1 keep the agency running but not to begin any
2 significant construction.

3 It's our current estimate that we need to have
4 state funding flowing by sometime in May to be able to
5 start constructing the tie-ins so that we can complete
6 the setback levee this year.

7 As you'll recall, last year we were precluded
8 from completing the setback levee because of a decision
9 we had to complete an Environmental Impact Statement
10 required by the Army Corps of Engineers. It would be
11 very disappointing if the state budget this year
12 resulted in us not being able to complete the setback
13 levee this year as well. We're very hopeful, and we're
14 working with and in cooperation with Department of
15 Water Resources.

16 Also on the funding issue, we have recently --
17 I think yesterday, or perhaps it's today -- finalized
18 our application for further EIP funds, Early
19 Implementation Program funds.

20 We're applying for funding for work on the
21 Yuba River between Simpson Lane and the Goldfields.
22 This is work that we always knew we needed to do some,
23 and we had budgeted funding for it.

24 With recent revised hydraulic modeling by the
25 Army Corps of Engineers, it appears more work is

1 required along there than previously thought. And so
2 the Three Rivers board on Tuesday of this week
3 authorized that application, and it will be going in to
4 the Department of Water Resources.

5 A final funding issue. Wanted to brief the
6 Board on the status of our commitment to work with RD
7 784 to make sure 784 has sufficient funding to do O&M
8 properly.

9 We had committed long ago that we were going
10 to bring a 218 assessment election to the population so
11 we could raise the amount of O&M money available for
12 spending in this basin. It would be a tragedy to
13 upgrade all these levees but not maintain them
14 properly.

15 Our board met a week ago and held a workshop
16 on the 218 election, reviewed a draft engineer's
17 report, obtained comments from the public; and our
18 board scheduled a follow-up meeting for next Tuesday at
19 which we intend, if the board agrees, to adopt a
20 resolution which starts the 218 process.

21 It will result in ballots being mailed out, go
22 through the normal 218 timeline, and we would look for
23 results, I believe, in late May/early June which would
24 determine whether our election passed.

25 The goal of the election is to raise an

1 additional \$800,000 for assessment dollars so that we
2 can make sure O&M in the basin is done properly
3 forever.

4 Two other non-funding items.

5 First is you're aware, through both the paper
6 and the monthly reports, of our discussions with the
7 State Mining and Geology Board. This relates to
8 whether that board feels that a mining permit is
9 required for our borrow activities.

10 As we previously shared with you, we have felt
11 these activities were exempt. Indeed, all of the
12 borrow activities that SAFCA has done to date that
13 board has determined are exempt. That was part of the
14 basis of our belief that it was exempt.

15 In preliminary determinations made by the
16 staff of the state Mining and Geology Board, they found
17 some of our borrow pits to be exempt and some not. And
18 the exemption that they're looking at is what's known
19 as an onsite construction exemption.

20 Most of our borrow pits are directly adjacent
21 to the levee, and therefore they're saying are exempt.
22 Two of them are across a public street, and they're
23 saying therefore not exempt.

24 We believe they are. We believe that the law
25 supports that exemption.

1 In addition, the board has the ability to do
2 what are known as one-time exemptions for projects
3 where appropriate, so we have officially requested that
4 they find that exempt. And we're expecting to be on
5 the March board meeting for the State Mining and
6 Geology Board in Palm Springs, as it happens.

7 In the event that the board does not agree and
8 finds we are not exempt, we have all the permits filled
9 out and ready to be filed so that this hopefully will
10 not slow down our project this year.

11 Finally, I wanted to brief you on discussions
12 that we've had with Miss Hofman. That's Mr. Eres'
13 client, sitting behind me. As you'll recall, Three
14 Rivers is required to obtain easements along the WPIC,
15 the Western Pacific Interceptor Canal levee. This was
16 from Phase Two of our project. Miss Hofman owns
17 significant portions of the land along there.

18 Three Rivers sent two letters previously to
19 Miss Hofman offering to buy that easement land from her
20 as fee, as well as the land underlying the levee
21 because that was land was never acquired in fee by the
22 State.

23 Miss Hofman came to our board meeting on
24 February 3rd and was very clear in reiterating her
25 rejection of our attempts to purchase it but also

1 reiterated that she had offered to your staff that she
2 would dedicate these easements to the State at no cost.

3 We have previously said that would be
4 acceptable to us. We want to ensure the terms of the
5 easements are adequate so that we can do the O&M we
6 need to do.

7 I understand your staff is continuing to work
8 on trying to process this along, and we've sent a
9 letter to Miss Hofman dated February 11th that I think
10 you either have in your Board packets, or which at
11 least your staff has and can share with you if you are
12 interested, which identifies that we have decided we
13 will hold off and wait to see if this dedication of
14 easement can be resolved.

15 We do note in the letter that in the most
16 recent RD 784 inspections, all of the 784 levees
17 received the highest grade except for the levees in the
18 area we're speaking about where they received a
19 marginal rating because of RD 784's inability to get in
20 and completely do the maintenance required.

21 So we have asked in this letter that Miss
22 Hofman agree that 784 can doing the maintenance now
23 pending getting the easements resolved. We haven't
24 received a response that I'm aware of, though Mr. Eres
25 may know different.

1 And so the final thing that we've done is our
2 board is very anxious to get this resolved. It's been
3 many months since we've been talking about this. So
4 our board has asked that someone from your Board, your
5 staff in particular, be coming to our board to brief
6 our board on what's going on because they want to see
7 things move along.

8 And Paul's conveyed that to Jay, and my
9 understanding is that Jay has talked with Dan, and
10 Dan's going to be coming to our next board meeting to
11 give our board a briefing.

12 So unless there are any questions, that's what
13 I have to report this morning.

14 PRESIDENT CARTER: Thank you. Any questions
15 for Mr. Shapiro? Thank you, Mr. Shapiro.

16 MR. SHAPIRO: Thank you.

17 PRESIDENT CARTER: Mr. Eres?

18 MR. ERES: Mr. Chairman, Members of the Board.
19 I didn't fill out a card, but I wasn't planning to
20 speak until I heard Mr. Shapiro. So you know me; I
21 cannot resist.

22 A couple of clarifications. Let me make the
23 Board aware of the fact that there is some substantial
24 dispute about Three Rivers' ability, legally, to do
25 maintenance on an ongoing basis with respect to their

1 improvements, and that directly relates to the 218
2 election.

3 That is being challenged at the moment; it
4 will continue to be challenged because there is a, put
5 it mildly, a difference of opinion with respect to
6 whether or not Three Rivers was ever contemplated to be
7 anything more than a receiving and disbursing of funds
8 agency to oversee construction of the capital
9 improvements of the levees and was never intended to
10 supplant 784 for purposes of ongoing operations and
11 maintenance.

12 I want to alert the Board we'll be coming back
13 to the Board because we believe, even though Three
14 Rivers' board may think it has that authority, which
15 said we will challenge, we believe they would not be
16 able to do it without the approval of this Board with
17 respect to the interrelationship of RD 784's statutory
18 maintenance responsibilities and with respect to a
19 joint power authority stepping in to perform those
20 maintenance responsibilities.

21 And the 218 election is -- we'll see in terms
22 of the timing of how that will go forward, but I want
23 to alert you that there's more to that story than maybe
24 you've initially heard.

25 The second thing I would mention is that in

1 terms of the State Mining and Geology Board, I am
2 following that. And my understanding is that part of
3 the difficulty here is Three Rivers never applied for
4 any exemptions from that board, simply took it upon
5 itself to declare it had those exemptions and proceeded
6 accordingly.

7 It's my understanding in dealing with the
8 board, board staff that that is an issue with respect
9 to that accountability and how that will play out with
10 respect to their ability to get those exemptions, if in
11 fact they are entitled to them.

12 The final comment is with respect to
13 Ms. Hofman. Almost a year ago, I think now -- Dan can
14 correct me -- she made an offer to the Central Valley
15 Flood Protection Board to grant them at no cost a
16 50-foot easement pursuant to their current standards in
17 order to maintain the -- 50 foot from the toe of the
18 levee, excuse me, on the landward side.

19 So she has been ready, willing, and able to
20 work with the execution of the appropriate documents.
21 And Mr. Fua has been diligent, along with staff and
22 legal counsel. We're just awaiting those documents and
23 have been for some time, but we're assured that that
24 process is well underway.

25 BOARD MEMBER BROWN: Are there any plantings

1 in that easement, that 50-foot easement?

2 MR. ERES: There's no plantings that I know of
3 in the easement. I think the only issue in the
4 easement that I can recall are some very large power
5 lines and these steel -- I think they're PG&E lines
6 that go through there. So I think there may be some of
7 those within that area.

8 But I don't know of any plantings at all that
9 would be any kind of impediment. In fact, it looks to
10 me like that 50-foot easement would be just fine. And
11 we have already notified the Board on many occasions
12 that we felt Three Rivers was overstepping its legal
13 authority, frankly, to try to obtain fee simple title
14 on easements that this Board already has -- or I should
15 say Sacramento-San Joaquin Drainage District already
16 has.

17 So hopefully, Mr. Shapiro has it correctly.
18 It will be all moot when we do get the easement
19 documents from the -- from your Board, have those
20 executed, and presumably that will take care of the
21 problem. Ms. Doherty, you had something?

22 SECRETARY DOHERTY: Didn't Miss Hofman
23 allow -- wasn't it Viking Industries that went in and
24 disced the levee and cleared up the slope of the levee?
25 Wasn't that last year sometime?

1 MR. ERES: There was some work done last year.
2 I thought you might be referring to the fact that there
3 was concern by the Corps of Engineers about a pipe or
4 conduit that was under the levee, and that there was
5 some efforts by Three Rivers to see if they could get
6 access to go see if they could find that pipe. And I
7 think I've mentioned that to this Board before.

8 SECRETARY DOHERTY: Yes.

9 MR. ERES: Ultimately, that did work out
10 through the good offices of Mr. Punia and Mr. Fua in
11 working with Three Rivers. They went in and checked,
12 couldn't find the conduit. I thought that might be
13 what you were referring to.

14 SECRETARY DOHERTY: I just remember that the
15 levee had been all cleaned off and smoothed off and --

16 MR. ERES: Yes, there were some activity
17 actually, as I understand, had taken place a little
18 earlier in the -- I think it was in the fall where
19 the -- I believe it was -- I don't know if it was
20 Nordic might be who you're referring to. You mentioned
21 Viking, but I think Nordic --

22 SECRETARY DOHERTY: I meant Nordic.

23 MR. ERES: There was a scraping done along the
24 side of the --

25 SECRETARY DOHERTY: Right.

1 MR. ERES: -- levee, so.

2 I might also indicate pursuant to that letter
3 that Mr. Shapiro mentioned, I believe, of February the
4 11th you have a copy of, we have already notified your
5 Board that to the extent there's any need to go in
6 there and do nonemergency maintenance, certainly it is
7 with the consent of Ms. Hofman.

8 And she simply asks that we do the same
9 process we did when we worked with planning the culvert
10 work through Mr. Fua and your offices. And I think I
11 talked to Mr. Punia with respect to that. So she
12 stands ready to say whatever you all need, let us know,
13 and there will not be a problem with that.

14 So thank you for addressing it.

15 PRESIDENT CARTER: Thank you. All right,
16 ladies and gentlemen, we'll move on to Item 8, our
17 Consent Calendar.

18 We have four items on the Consent Calendar
19 today: Permits No. 18344, 18401, 18411, and an
20 agricultural lease No. 2009-02, Central Valley Flood
21 Protection Board.

22 We'll entertain a motion on these.

23 VICE-PRESIDENT HODGKINS: Mr. Chairman, I have
24 a question about permit 18344. So I'd like to move
25 approval of the Consent Calendar excepting 18344 which

1 would be moved to --

2 PRESIDENT CARTER: Moved for a hearing?

3 VICE-PRESIDENT HODGKINS: Yes.

4 PRESIDENT CARTER: Okay.

5 SECRETARY DOHERTY: And I also have just one
6 question on lease number 2 -- D, 2009-02.

7 It says that they have to disc both ways
8 immediately. What if the guy wants to do no-till
9 drill? Why does it have to be disced both ways? Why
10 does it have to? Olivia?

11 BOARD MEMBER BROWN: Which one is this.

12 SECRETARY DOHERTY: The one on the
13 agricultural lease, D.

14 MS. GARCIA: Olivia Garcia with the Real
15 Estate Branch. This was an agreement -- this is
16 something that they have been doing in the past because
17 they have been on this property farming for several
18 years, and so it's a continuation of their practice.

19 SECRETARY DOHERTY: Okay. I just thought if
20 he wanted to do a no-till drill that he might, you
21 know.

22 MS. GARCIA: We discussed that, and it is a
23 continuation of practice. It was in a previous lease
24 that he had with the previous owners.

25 SECRETARY DOHERTY: All right.

1 PRESIDENT CARTER: Is it in fact a requirement
2 that he disc, or can he alter his practices as best
3 farming practices or best management practices?

4 MS. GARCIA: At this point, it's a requirement
5 in the lease. And there is in the standard provisions
6 of the lease the ability for them to write us and tell
7 us that they need to adjust their farming practices.

8 PRESIDENT CARTER: Okay.

9 SECRETARY DOHERTY: Okay.

10 PRESIDENT CARTER: Does that answer your
11 question?

12 SECRETARY DOHERTY: Yes, that answers my
13 question.

14 PRESIDENT CARTER: Okay.

15 So we have a motion to approve the Consent
16 Calendar 8B, C, and D and move Item 8A to be heard by
17 the Board.

18 BOARD MEMBER BROWN: I'll second the motion.

19 PRESIDENT CARTER: Okay. The motion is
20 seconded. Mr. Punia would you call the roll please.

21 EXECUTIVE OFFICER PUNIA: Board Member Emma
22 Suarez?

23 BOARD MEMBER SUAREZ: Aye.

24 EXECUTIVE OFFICER PUNIA: Board Member Butch
25 Hodgkins.

1 VICE-PRESIDENT HODGKINS: Aye.

2 EXECUTIVE OFFICER PUNIA: Board Member John
3 Brown.

4 BOARD MEMBER BROWN: Aye.

5 EXECUTIVE OFFICER PUNIA: Board Member Lady
6 Bug?

7 SECRETARY DOHERTY: Aye.

8 EXECUTIVE OFFICER PUNIA: Board President Ben
9 Carter?

10 PRESIDENT CARTER: Aye. So Consent Calendar
11 carries. All right.

12 At this time, we'll move on to our hearings
13 and decisions, and we'll go ahead and start with Item
14 8A that was on the Consent Calendar.

15 As a reminder to folks, our process is to have
16 a presentation by the staff, then public testimony
17 including the applicant if they're here and persons
18 both supporting and opposing the application.

19 And then any rebuttal.

20 And then we will close the public testimony
21 portion of the hearing, and the Board will continue
22 with questions and clarifications and deliberations and
23 make its decision.

24 So with that, who from staff would like to
25 make a presentation? Steve?

1 FLOODWAY PROTECTION ENGINEER DAWSON: Good
2 morning President Carter, Members of the Board. Steve
3 Dawson, Floodway Protection Section. This item is a
4 pump station for the District, RD 317, and we're here
5 today to consider approval of this permit, which is
6 your attachment A to your staff report, to abandon --
7 cap and fill with slurry -- three existing drainage
8 discharge pipes and one utility pipe and replace them
9 by trenching through the levee with discharge pipes and
10 utility pipes to the left east bank levee of Seven Mile
11 Slough.

12 This location is RD 317, Brannan-Andrus
13 Island. The project is located south of Rio Vista and
14 south of Highway 12 along Seven Mile Slough.

15 It is to cap and fill with slurry three
16 existing drainage discharge pipes and one utility pipe
17 and replace, trench through the levee with 24, 20, and
18 30-inch standard discharge pipes and a two-inch
19 diameter utility pipe through the left east bank levee
20 of Seven Mile Slough.

21 The pipelines are part of RD 17's only -- RD
22 317's only pump station which drains lower Andrus
23 Island. These pipelines were surveyed with an internal
24 camera and were determined to be nearing their life
25 expectancy.

1 The levee crown will be trenched to install
2 new pipeline so the waterside invert elevation is above
3 the 100-year flood elevation.

4 No work will be performed below the ordinary
5 high-water line. The US Army Corps of -- Agency
6 Comments and Endorsements.

7 The US Army Corps of Engineers has sent a
8 letter dated January 16th, 2009 stating that the
9 District engineer has no comments or recommendations
10 regarding flood control because this proposed work does
11 not affect a federally constructed project. That is
12 permit Exhibit A.

13 Brannan-Andrus Levee Maintenance District has
14 endorsed this application.

15 The CEQA -- proposed CEQA determination of
16 exemption. Board staff has prepared the following CEQA
17 determination.

18 Brannan-Andrus Levee Maintenance District,
19 BALMD, as Lead Agency under CEQA, approved the project
20 RD 317 Pump Discharge Lines Replacement on August 31,
21 2008 and determined that the project was categorically
22 exempt under Class 2 categorical exemption, CEQA
23 guideline 15302-C for replacement or reconstruction of
24 existing utility systems and/or facilities involving
25 negligible or no expansion of capacity.

1 The Board, acting as a Responsible Agency
2 under CEQA, has reviewed the BALMD determination and
3 has independently determined that the project is exempt
4 from CEQA under a Class 2 categorical exemption, CEQA
5 guideline 15302-C, for replacement or reconstruction of
6 existing utilities and/or facilities involving
7 negligible or no expansion of capacity.

8 Section 8610.5 compliance. One, evidence that
9 the Board admits into its record from any party, state
10 or local public agency, or nongovernmental organization
11 with expertise in flood or floodplain management.

12 The Board will make its decision based on
13 evidence in the permit application and attachments,
14 this staff report, and any other evidence presented by
15 any individual or group.

16 Number two, the best available science that
17 related to the scientific issues presented by the
18 Executive Officer, legal counsel, the Department or
19 other parties that raise credible scientific issues.

20 The accepted industry standards for the work
21 proposed under this permit as regulated by Title 23
22 have been applied to the review of this permit.

23 Effects of the decision on the entire State
24 Plan of Flood Control. This project has no effects on
25 the State Plan of Flood Control.

1 Number four, effects of reasonable projected
2 future events, including but not limited to changes in
3 hydrology, climate development within an applicable
4 watershed. There are none.

5 Staff recommendations. Staff recommended that
6 the Board determine this project to be exempt from CEQA
7 and to approve the permit.

8 Questions?

9 VICE-PRESIDENT HODGKINS: Looking at the
10 pictures that were in the staff report.

11 FLOODWAY PROTECTION ENGINEER DAWSON: Right.

12 VICE-PRESIDENT HODGKINS: The location of the
13 pump station: I'm curious as to why they're not simply
14 removing those pipes from the levee.

15 FLOODWAY PROTECTION ENGINEER DAWSON: Is that
16 the photo you're referring to?

17 VICE-PRESIDENT HODGKINS: That's part of it.
18 And I don't need to get into too much detail here, but
19 there is another picture that shows --

20 SENIOR ENGINEER BUTLER: Yeah.

21 VICE-PRESIDENT HODGKINS: I mean, those pipes
22 generally are going through the levee fairly high.
23 They're putting in new pipes. Where do the new pipes
24 go?

25 FLOODWAY PROTECTION ENGINEER DAWSON: The new

1 pipes are going to go adjacent to these at a higher
2 elevation. These pipes are actually below the hundred
3 year at the bottom, and this is a Delta island.

4 The water on the back side of this levee
5 normally is at ordinary -- just a little bit above
6 ordinary sea level. And it's only about five or six
7 feet below the ground. So to take and dig into the
8 back side of this levee is not a good proposition. We
9 try not to ever do this kind of excavation in the Delta
10 proper because you risk having a problem.

11 VICE-PRESIDENT HODGKINS: Okay. So in effect,
12 they dig them out --

13 FLOODWAY PROTECTION ENGINEER DAWSON: They
14 take them out --

15 VICE-PRESIDENT HODGKINS: Put in some kind
16 of --

17 FLOODWAY PROTECTION ENGINEER DAWSON: We --

18 VICE-PRESIDENT HODGKINS: -- something to keep
19 water from potentially coming --

20 FLOODWAY PROTECTION ENGINEER DAWSON: No, we
21 fill them with slurry, concrete slurry. We cut them
22 off on both sides, fill it with slurry, and move it
23 over and reconnect.

24 VICE-PRESIDENT HODGKINS: That's fine. For
25 me, it was simply the idea of leaving something in the

1 levee that doesn't have to be there. It would be nice
2 to take it out unless there were risks, and you --

3 FLOODWAY PROTECTION ENGINEER DAWSON: There
4 are risks at this location.

5 VICE-PRESIDENT HODGKINS: -- have indicated
6 that there are risks.

7 FLOODWAY PROTECTION ENGINEER DAWSON: And we
8 did consider that.

9 VICE-PRESIDENT HODGKINS: Okay. Thank you.

10 BOARD MEMBER BROWN: Is the new pipe going to
11 be in a bore or open cut?

12 MR. DAWSON: It's just going to be an open
13 cut. And it will be above the hundred-year design. I
14 believe the -- several of these are below. And that's
15 the risk we run.

16 PRESIDENT CARTER: Okay. Any other questions
17 for Mr. Dawson? Okay. Thank you.

18 Is there -- are there representatives of the
19 applicant here that would like to testify before the
20 Board? Anyone wish to comment on this application in
21 support? Any wish to address the Board opposing the
22 application? Or anyone else? Very well.

23 Any other further questions of staff? Okay.

24 I'm going to close the public testimony
25 portion of the hearing, and any discussion from the

1 Board? Okay.

2 Let the record reflect that Teri Rie has
3 joined us at this point. We are on Item 8A which we
4 pulled from the Consent Calendar to hear questions from
5 the Board.

6 All right. We will entertain a motion.

7 VICE-PRESIDENT HODGKINS: I'll move approval
8 of staff's recommendation.

9 SECRETARY DOHERTY: I'll second it.

10 PRESIDENT CARTER: We have a motion to approve
11 the permit and find and make CEQA findings, and a
12 second. Any further discussion? Mr. Punia, would you
13 call the roll please.

14 EXECUTIVE OFFICER PUNIA: Board Member John
15 Brown?

16 BOARD MEMBER BROWN: Aye.

17 EXECUTIVE OFFICER PUNIA: Board Member Lady
18 Bug?

19 SECRETARY DOHERTY: Aye.

20 EXECUTIVE OFFICER PUNIA: Board Member Emma
21 Suarez?

22 BOARD MEMBER SUAREZ: Aye.

23 EXECUTIVE OFFICER PUNIA: Board Member Butch
24 Hodgkins?

25 VICE-PRESIDENT HODGKINS: Aye.

1 EXECUTIVE OFFICER PUNIA: Board Member Teri
2 Rie?

3 BOARD MEMBER RIE: Abstain.

4 EXECUTIVE OFFICER PUNIA: Board President Ben
5 Carter?

6 PRESIDENT CARTER: Aye. The motion carries.
7 Thank you. We will now close the hearing on permit
8 number 18344.

9 And we will move to Item Number 9 on our
10 agenda, Permit No. 18405, Sacramento Redevelopment
11 Agency, Sacramento County.

12 EXECUTIVE OFFICER PUNIA: We're ahead of time.

13 PRESIDENT CARTER: Oh, are we?

14 EXECUTIVE OFFICER PUNIA: Yes.

15 PRESIDENT CARTER: I apologize. We are ahead
16 of our agendaized time. So what we're going to do is
17 we're going to take a 20-minute recess at this point,
18 and we'll reconvene and begin our hearing on Item 9.

19 (Recess)

20 PRESIDENT CARTER: Good morning, ladies and
21 gentlemen. We will reconvene our meeting.

22 As you recall, we are on Item 9, hearing
23 decisions, Permit No. 18405, Sacramento Redevelopment
24 Agency, Sacramento County.

25 This is a public hearing. Just to remind you

1 of the process, the Board staff will make a
2 presentation.

3 We'll invite the applicant to make a
4 presentation.

5 We'll invite people who are supporting and
6 opposing, or others who wish to comment on the
7 application to comment.

8 Rebuttal, if the applicant so chooses.

9 And then we will close the public testimony
10 and the Board will deliberate.

11 So with that, Mr. Dawson, thank you.

12 FLOODWAY PROTECTION ENGINEER DAWSON: Good
13 morning President Carter, Members of the Board. Steve
14 Dawson, Floodway Protection Section.

15 I'm here today to present Agenda Item 9,
16 Permit No. 18405, Sacramento Redevelopment Agency, City
17 of Sacramento, Sacramento County:

18 Consider approval of Permit No. 18405, which
19 is your Attachment A, to install pavement with two
20 pedestrian overlooks, remove existing rail line and
21 install new tracks, construct a new park which will
22 include clearing and grubbing, grading, compacted fill,
23 concrete walls and landscaping on the left east bank
24 levee of the Sacramento River in Sacramento County.

25 Applicant is the City of Sacramento

1 Redevelopment Agency. The project is located in
2 Sacramento between O and R Streets on the left bank of
3 the Sacramento River.

4 Project is to install approximately 1400
5 linear feet of pavement approximately 20 feet wide,
6 41-foot-long and 46-foot-long pedestrian overlooks;
7 removing existing rail line and installing new tracks;
8 construct a new park, which includes clearing and
9 grubbing of 16,500 square feet; grading 3,000 cubic
10 yards of compacted fill, 110 layer feet of concrete
11 walls and 7,000 feet of landscaping on the left east
12 bank levee of the Sacramento River in the City of
13 Sacramento.

14 Agency Comments and Endorsements. US Army
15 Corps of Engineers' letter has been received and has
16 been put in your packets today.

17 The City of Sacramento has endorsed this
18 agency. The City of Sacramento is the maintaining
19 agency for this reach.

20 At this time, I'd like to turn over the CEQA
21 discussion to Eric Butler.

22 SENIOR ENGINEER BUTLER: Good morning. My
23 name is Eric Butler, I'm the senior engineer for the
24 Board.

25 I just first want to call to the Board

1 Members' attention that the CEQA findings and the final
2 staff recommendation was the document that we e-mailed
3 to you all earlier this week. There is a hard copy of
4 it in your folders.

5 And one correction I'd like to make is the
6 description as it was written on the supplement was an
7 early version of the description; so if you're looking
8 at that, you can line that out.

9 Steve's description that he just read into the
10 record is the current description.

11 And what I'm going to do for purposes of
12 entering the CEQA findings into the record is just read
13 you a summary of the CEQA findings. I'm not going to
14 read it through word-for-word.

15 Board staff has prepared the following CEQA
16 findings: The Board, as a CEQA Responsible Agency, has
17 independently reviewed the initial study from
18 February 2008, the Mitigated Negative Declaration and
19 Mitigation Monitoring Plan for the City of Sacramento's
20 Docks Riverfront Parkway Promenade project prepared by
21 the Lead Agency, City of Sacramento, Economic
22 Development Department.

23 These documents, including promenade design
24 and City resolutions, may be viewed or downloaded from
25 both Board or City websites. And I have provided links

1 to those.

2 The initial study's also available in hard
3 copy at Board and City offices, and I have brought a
4 copy of it with me today.

5 All potential impacts when mitigation measures
6 were applied were determined to be less than
7 significant. Based on the initial study, the City of
8 Sacramento found that the project will not have a
9 significant adverse effect on the environment.

10 On July 15, 2008, the Sacramento City Council
11 approved the project and the Mitigated Negative
12 Declaration and adopted findings of fact and the
13 Mitigation Monitoring Plan.

14 The initial study, Mitigated Neg Dec,
15 identified biological resources, cultural resources,
16 and hazards as items that would potentially be affected
17 by the project. Mitigation measures were incorporated
18 into the project design to reduce these potentially
19 significant impacts to less than significant. And
20 those are detailed within my report.

21 Based on its independent -- let me read the
22 Mandatory Findings of Significance also.

23 The proposed project would involve
24 construction activities in an area known to contain
25 sensitive biological and archaeological resources and

1 would involve construction in an area known to contain
2 hazardous materials contamination. Mitigation measures
3 will be required that will reduce potential impacts to
4 less than significant levels.

5 So based on our independent review of the
6 City's initial study, Mitigated Negative Declaration,
7 and Mitigation Monitoring Plan, the Board -- you --
8 find that although the proposed project could have
9 significant environmental impacts, there will be no
10 significant impacts in this case because the City has
11 incorporated mandatory mitigation measures into the
12 project plan that will reduce the level of significance
13 to less than significant after mitigation.

14 And in conclusion of our Board presentation,
15 our staff recommendation to you is that: Staff
16 recommends that the Board adopt the CEQA findings,
17 approve the permit, and direct staff to file a Notice
18 of Determination with the State Clearinghouse.

19 And with that, that concludes the presentation
20 that Steve and I have prepared for you today.

21 PRESIDENT CARTER: Are there any questions of
22 staff at this point?

23 SECRETARY DOHERTY: I have a question. Have
24 there been any borings done in that area?

25 SENIOR ENGINEER BUTLER: I'll have to defer to

1 Steve. Where did he go?

2 FLOODWAY PROTECTION ENGINEER DAWSON: For this
3 project, there were no borings done specifically for
4 this project. But borings have occurred in the area
5 for previous investigations.

6 SECRETARY DOHERTY: And they show no sand
7 lenses or anything like that?

8 FLOODWAY PROTECTION ENGINEER DAWSON: I'm sure
9 they probably do show some. I mean, these levees are
10 basically partially sand levees up and down this entire
11 reach.

12 But this is surficial work. So it isn't
13 something that we're going down deep into the levee.
14 We don't excavate more than maybe a foot at the most.
15 So we're not going down into an area that would cause a
16 destabilization.

17 SECRETARY DOHERTY: And so when you put in
18 fill that's compacted, what type of compaction, what
19 type of fill?

20 FLOODWAY PROTECTION ENGINEER DAWSON: It would
21 be an imported impervious fill compacted to 90 percent
22 under ASTM 1557-91.

23 SECRETARY DOHERTY: Okay. Thank you.

24 PRESIDENT CARTER: Mr. Hodgkins?

25 VICE-PRESIDENT HODGKINS: I realize the item

1 we're dealing with today is surficial, but as I look at
2 the plan for the overall area, there are in the long
3 run buildings going in close to the toe of the levee
4 which are likely to require some sort of deep
5 excavation to the foundation.

6 Can we be sure that those buildings and the
7 foundation and the work will be done in a way where, if
8 there are sand lenses, there are appropriate
9 precautions taken during construction and afterwards to
10 make sure that we don't create a seepage path that
11 could potentially be a threat to the slope?

12 FLOODWAY PROTECTION ENGINEER DAWSON: That is
13 correct. This will occur -- there is a program
14 underway right now for drilling out away towards the
15 land side, away from the levee, for installation of
16 those buildings you are discussing. They are deep
17 coring right now down to around 80 feet.

18 This type of work has happened on the City of
19 West Sacramento side. We've done it at the Triangle
20 area. We've done it over at the CalSTRS building.

21 So all of that is considered and is required
22 prior to submittal of an application to the Board for
23 review. Without that, we cannot move ahead and okay a
24 project. We have to understand what the foundation is
25 made of.

1 VICE-PRESIDENT HODGKINS: I understand. But I
2 guess I'm not sure that you have -- they have to get a
3 permit once they get off the levee and off the
4 easement.

5 FLOODWAY PROTECTION ENGINEER DAWSON: They
6 are -- they are in contact with the Board to determine
7 how far away that they have to be to not need a permit.

8 Because if it has an impact, and they're going
9 down 60 feet or something like that, that may intersect
10 the projected slope line, at which time we are
11 definitely interested, even though it may not require a
12 permit.

13 So we're in contact with these people
14 performing this preliminary exploration. So it is
15 something that they're not going to go do work we have
16 no control over. We will be involved to some
17 discussion as far as a commenting agency.

18 Because it's not a permit, we necessarily
19 can't take control. But whenever you do work this
20 close to a levee within an urban area, the Board must
21 be satisfied that all explorations are sufficient to
22 determine if there is a faulty area down there that can
23 cause a problem to the stabilization of the levee.

24 VICE-PRESIDENT HODGKINS: Yeah, I know.

25 SECRETARY DOHERTY: How far out would your

1 jurisdiction extend? Why would they even come to you
2 if they are out beyond the toe of the levee and --

3 FLOODWAY PROTECTION ENGINEER DAWSON: Because
4 they wish to do some of the test borings right at the
5 toe -- the landside toe of the levee. They want to be
6 as close to the levee as they can.

7 So that would be within our jurisdiction. But
8 the program goes from that point 100 feet landward.
9 But they are that close to the levee where we are
10 involved, and we would have to issue a permit for that
11 portion of the exploration program.

12 SECRETARY DOHERTY: Right.

13 PRESIDENT CARTER: Mr. Dawson, you mentioned
14 the levee prism and the landward projection of the
15 levee slope, essentially below discing grade for these
16 excavations. How far down do you go with that
17 projection of that levee prism?

18 FLOODWAY PROTECTION ENGINEER DAWSON: It
19 depends on the material encountered. In other words,
20 whether it may have an impact in the future. And that
21 is a geotechnical analysis that will be determined and
22 submitted for our review. To make a statement as to
23 what the distance is, it is a case-by-case basis on
24 evidence discovered during the exploration.

25 PRESIDENT CARTER: Okay. So how do you --

1 getting back to, I think, Mr. Hodgkins' question: How
2 do you assure, if they don't need a permit, how do you
3 assure that we're comfortable with what they're doing
4 out there if they don't have to come back before the
5 Board?

6 FLOODWAY PROTECTION ENGINEER DAWSON: That is
7 a problem. There's really no way to do that. But they
8 have tried to work with us, being so close to the levee
9 in downtown Sacramento.

10 Any of that type of work is -- they ask Board
11 staff constantly, will there be any impact? And we
12 make a determination at that time whether there will or
13 won't based on the projected work, whether it's
14 10 feet, 20 feet or 100 feet down.

15 EXECUTIVE OFFICER PUNIA: Our regs allows us
16 that if there's a potential threat to the structural
17 integrity of the project we can ask them to submit a
18 permit. I think Dan can elaborate more on this.

19 SUPERVISING ENGINEER FUA: That's what I was
20 going to say that, you know, we always have the
21 authority to require a permit if in our judgment there
22 is a potential threat. It doesn't matter how far it is
23 from the toe of the levee.

24 PRESIDENT CARTER: Okay.

25 SENIOR ENGINEER BUTLER: Eric Butler. Butch,

1 let me further answer your question.

2 The project -- the application that's before
3 you today is for surface improvements. But it's
4 obvious that there will be additional phases that the
5 City is proposing and is currently under development of
6 their designs that will be coming to us down the road.

7 As those additional phases, which Ms. Tincher
8 from the City would, I'm sure, be happy to go into
9 detail with you at their part of the presentation -- as
10 those phases are put forward, we'll be in coordination
11 with them to ensure that any of that subsurface work is
12 properly evaluated in the determination of future
13 encroachment permits that the Board would require of
14 the City.

15 So I want to make a distinction that while
16 those questions you have certainly are appropriate,
17 they're not directly related to today's permit. And I
18 think it's appropriate that Beth will explain in more
19 detail at their time.

20 VICE-PRESIDENT HODGKINS: I think all -- the
21 only place I was headed is if in this permit there
22 should be a condition that in effect as the City will
23 submit an analysis of the potential for subsurface
24 seepage and underseepage in this area, both during the
25 construction as well as after construction of those

1 projects, which I assume you're going to do anyway
2 because if you -- if it gets overlooked and there's a
3 problem, it's the City who is going to get wet.

4 FLOODWAY PROTECTION ENGINEER DAWSON: This
5 permit does not have a requirement such as that for
6 this project. It's surficial. The loading is minimal,
7 several feet. It's on a sand -- it's good resistance
8 value. It's behind a flood wall.

9 And nothing on the water side will impact
10 anything that's being done for the rail lines and
11 anything along those lines, so that work probably would
12 not be needed here for that. That's for any future
13 work on the landside, for major structures, it would be
14 needed.

15 VICE-PRESIDENT HODGKINS: And that was the
16 nature of the condition I was thinking about.

17 SENIOR ENGINEER BUTLER: If I might restate
18 what I think I heard you say: You would be in favor of
19 adding a condition to this permit that would require
20 the City to maintain constant interaction with Board
21 staff as they move forward with additional phases of
22 the development so that no subsurface explorations or
23 construction are undertaken without our interaction,
24 permit required or not. Is that essentially what your
25 point is?

1 VICE-PRESIDENT HODGKINS: Yes.

2 PRESIDENT CARTER: Ms. Suarez.

3 BOARD MEMBER SUAREZ: Mr. Butler, correct me
4 if I'm wrong, but when the other phases of the project
5 move along, will there be an environmental document
6 prepared for those?

7 SENIOR ENGINEER BUTLER: I'm going to have to
8 ask -- maybe you could ask that question during the
9 City's presentation?

10 BOARD MEMBER SUAREZ: Okay.

11 SENIOR ENGINEER BUTLER: Because I don't know
12 the facts to answer that yes or no.

13 BOARD MEMBER SUAREZ: My point being that if
14 there are future environmental documents that need to
15 be prepared, we will be commenting. And at that point,
16 if there is any concerns regarding any part of the
17 project that might affect the flood control system,
18 then it is our duty, as we've both been doing in the
19 past, to comment through the CEQA process.

20 SENIOR ENGINEER BUTLER: Yes. And we would be
21 doing that.

22 PRESIDENT CARTER: Okay. Any other questions
23 of staff? Thank you very much.

24 Would the applicant care to address the Board?
25 Good morning.

1 MS. TINCHER: Good morning. Honorable Carter
2 and members of the Board, I am very excited to be here
3 with you this morning. This is a much-anticipated date
4 for us, as we've been in the planning phases of this
5 project for about two and a half years now. So we're
6 looking very forward to it.

7 PRESIDENT CARTER: Could you please introduce
8 yourself for the record.

9 MS. TINCHER: I'm Beth Tinchler with the City
10 of Sacramento's Economic Development Department. Which
11 also houses the portion of our redevelopment area
12 staff, and I'm also with the Redevelopment Agency.

13 PRESIDENT CARTER: Thank you.

14 MS. TINCHER: And just to let you know also,
15 there are two separate projects moving forward, the
16 first of which is the Docks Promenade project. And
17 that is essentially a 20-foot-wide pedestrian/bicycle
18 pathway that will extend from its existing location
19 today at O Street down to Miller Park. It also
20 includes a couple of parks along the way.

21 As a separate project, there is the Docks Area
22 specific plan that is being developed, and that is, I
23 think, the development aspect that you are talking
24 about in your discussion today.

25 And that is a specific plan that would

1 accommodate a mixed-use redevelopment project including
2 commercial, housing, office, and a central park.

3 We absolutely have all intent in working with
4 you and bringing those projects forward to you as we
5 progress with those projects.

6 There is a separate environmental document
7 that was prepared for the Docks Area specific plan. It
8 has been circulated. We are preparing the final
9 Environmental Impact Report on that now as we intend to
10 bring the specific plan to our City Council and
11 Planning Commission in June-July of this year. But we
12 would be more than happy to work with you on that.

13 As Jarvis will explain to you, though, we hope
14 not to drill for our piles in the development project
15 there. We plan on backfilling the area from the levee
16 to Front Street. And so our intent is to actually
17 strengthen the levee by including fill behind it and
18 that the piles and subgrade parking would be within the
19 area of the fill.

20 We believe that this project, the Docks Area
21 Promenade project, would create a much-needed
22 recreational facility and a vital public aspect to the
23 neighborhood, to the region, and to our tourist
24 industry.

25 We also believe it creates a vital connection

1 that will connect our north neighborhoods, the
2 riverfront neighborhoods of the river district and the
3 rail yards, to the Land Park area as well as it will
4 connect downtown to the waterfront.

5 At the same time this project is moving
6 forward, we're very excited to also help the R Street
7 Bridge overcrossing reconstruction moving forward.

8 There is currently an old train trestle bridge
9 over I-5 that the train tracks have been removed, and
10 we'll be converting that into a pedestrian and bicycle
11 path that will lead directly to the waterfront, and so
12 it will provide additional access opportunities to our
13 Sacramento riverfront.

14 It also stimulates a brown zone site. Further
15 south, there has been contamination on the Docks Area
16 site. So we're very excited to have the redevelopment
17 opportunity to reinvigorate that old industrial area,
18 and it provides a catalyst to our redevelopment project
19 area.

20 With that, I'd like to turn the floor over to
21 Jarvis Payne from Walker Macy and our consultant group
22 to go into more detail about the project and the
23 concerns that you may have.

24 We also have in the audience, just let you
25 know, Pete Ghelfi from SAFCA and Bill Busath and Mike

1 Nolan from our Utilities Department who are available
2 also for any questions you may have of the City.

3 PRESIDENT CARTER: Thank you.

4 MR. PAYNE: Yeah, thank you, Beth. President
5 Carter, Board Members.

6 My name is Jarvis Payne. I'm with Walker
7 Macy. We're the landscape architectural firm that
8 headed the consultant team on this project.

9 And as Beth mentioned, we've been working on
10 this project for the past two and a half years and
11 working in close conjunction with the City, City
12 utilities, SAFCA, and the Corps of Engineers to listen
13 to their concerns and as we evolve the design
14 incorporate their concerns into the design.

15 So what I wanted to do today was sort of give
16 you just a brief overview of where the project is and
17 some sections that show you typical conditions of what
18 this Promenade project will end up being at the end of
19 its construction.

20 This first graphic I think clearly designates
21 what Beth was talking about. There's actually two
22 separate projects. The project that we're here today
23 is the Docks Promenade Parkway Area Project.

24 And they're independent of one another. The
25 Promenade project is going to occur independent of if

1 the docks development plan is occurring or not. This
2 is basically to provide a recreational bike path link
3 between Old Sacramento and to -- down to Miller Park.

4 And our project is actually -- and here's an
5 another graphic representation showing the area which
6 is the development portion triangle. That -- that
7 piece there that borders the development on the east
8 side of the Sacramento River, that is the Promenade
9 project that we're going to be speaking to you today
10 about.

11 And here is -- just to give you sort of a
12 cross-section of the relationship of those two
13 projects: On the cross-section, you can see the
14 Sacramento River. There is the levee. You can see the
15 promenade. There is the excursion train which runs
16 next to the promenade.

17 And that line currently represents the
18 existing grade. And what Beth is mentioning as part of
19 the docks development project, when that project does
20 move ahead with development, that darker tan area will
21 be filled. That will be brought into that zone, and
22 all the development and the subsurface work with
23 parking garages will all occur in that filled area.

24 But to give you just an idea of the
25 association between those two projects, our project,

1 like I said, can be independent and occur without that
2 docks development project moving forward.

3 And this is the overall plan for the docks
4 promenade, and it's actually being done in four phases.
5 And today -- today's permit is really just for the
6 Phase 1 project.

7 And at the north end of the site, it starts at
8 the O Street circle of lights. And that's the existing
9 terminus to the promenade that currently runs from the
10 Pioneer Bridge down to Embassy Suites. And then today
11 our project goes from O Street basically down to R
12 Street. That first portion there, that's in Phase 1.

13 And this next rendering here is an enlargement
14 of that area. You can see there's O Street at the
15 north end and the promenade is there bordering the
16 river.

17 And we're also incorporating the State Parks
18 Excursion Train, which is currently running through
19 that site. But we're actually accommodating them by --
20 we have to realign the rail, and we also have to
21 realign Front Street, and that is part of this project
22 also.

23 This is the promenade portion here.

24 The gray portion here is the rail line, and
25 this piece here is Front Street. And so the promenade

1 continues down -- this is what basically is occurring
2 at -- I think this is Q Street, and then this here is R
3 Street, and then there's going to be a triangular park
4 in this area.

5 And one thing that's happening with this
6 project is this zone right here, you can see we're
7 getting into an area that's quite tight, where we have
8 to incorporate the promenade, the rail, and Front
9 Street. And we've been referring to this area as the
10 pinch point.

11 This is the condition of the existing
12 promenade at Embassy Suites, and this is the terminus
13 of that project there at Embassy Suites.

14 And you can see here is the existing flood
15 wall. Here is the tracks. And here is Front Street.

16 And right here is what -- when I speak -- the
17 pinch point, this is the area I'm going to be referring
18 to. But this is the existing flood wall. And our
19 promenade is not being built higher than that flood
20 wall. We're staying at or below that flood wall height
21 for the entire length of our project except one area
22 which I'll point out later and explain why.

23 This is the condition of the flood wall at our
24 project, and this is showing that in 1996 the Corps of
25 Engineers did come in, do some additional tie-backs to

1 the flood wall in that area.

2 And these are the rods that were bored down to
3 those tie rods. But this is the condition of the flood
4 wall at our project site, and this facility has been
5 certified.

6 And then moving further south, this is the
7 current condition here of where that park is going to
8 occur. Here's Front Avenue. Here's the rail tracks.

9 And then the promenade runs on the other side
10 here of the rail tracks. And then starting at the
11 north end here, we're going to show you a section of
12 what that condition looks like.

13 Here's the existing flood wall. Here will be
14 our new promenade. And it's -- at that location, it's
15 17 feet wide. There is one location at the pinch point
16 where it's as narrow as 13 1/2 feet. But the area
17 where we have the room to accommodate it, the width of
18 the promenade is going to be 20 feet.

19 And then we have a standard width of 20 feet
20 for the railroad right-of-way. And then there's a
21 planting strip.

22 Here's Front Street, and then this is -- shows
23 Front Street's relationship to I-5.

24 And then in terms of having the project being
25 able to accommodate a 200-year flood with freeboard at

1 a later date, if and when that happens, in the design
2 of our project we've provided a -- there's a new metal
3 guardrail that runs along the promenade at the back of
4 the existing flood wall.

5 And in the design of this guardrail, it's done
6 so that it can accommodate these 18-inch infill panels
7 at a later date that would accommodate the 200-flood
8 year level, plus freeboard.

9 So this project has taken that into account,
10 and it can be adjusted when and if that flood height is
11 legislated.

12 Whoops. How did I get there? Thank you.

13 And this will be a section which we're calling
14 the pinch point, and it's also a section that's going
15 to show you the first overlook at that location.

16 Here is the promenade. And here the promenade
17 does get to its narrowest, which is 14 -- actually it's
18 13 1/2. The railroad right-of-way and Front Street.
19 And then here's showing the first overlook.

20 And these overlooks, the way they've been
21 designed is they're totally independent of the flood
22 wall. They're not putting any structural weight on the
23 flood wall. They're not even attached to the flood
24 wall. They're being totally supported by these piles
25 which are going to have debris deflectors on them.

1 The grating of these overlooks is going to be
2 a steel grating, so it will allow water and also light
3 and also for visual inspection of the riverbank through
4 the grating.

5 There is going to be a shade structure, and
6 structurally the shade structure is going to be
7 attached to this pile.

8 And in this one location, because currently
9 there isn't 14 feet of free width between the rail and
10 the existing flood wall, so we've -- at this location,
11 we've actually had to shift the rail and shift Front
12 Street to the west to accommodate the 14-foot width
13 here.

14 And so the realignment of the rail tracks is
15 part of this project, and a slight realignment of Front
16 Street.

17 Here's an enlargement of what that overlook
18 looks like. Here's the existing flood wall. Here's
19 showing those tie-backs that were done in 1996.

20 And the overlook structure here, which is
21 totally independent of the flood wall, there will be a
22 steel plate that's placed on top of the flood wall to
23 allow for a smooth, ADA-accessible surface between the
24 promenade and the steel grating.

25 Then our project also crosses the rail tracks

1 at two locations. And the design of these crossings,
2 we have worked with the California Public Utilities
3 Commission who's responsible for permitting these
4 crossings, and also City Utilities in terms of
5 providing access for flood fighting.

6 So this is 20 foot -- excuse me. This is 40
7 feet here, and then 20 feet at this location. It's
8 paved, and all these bollards are removable. And this
9 has also been reviewed and approved by City Utilities
10 in terms of getting -- having flood access to get out
11 to the promenade at those two locations.

12 And this is the final section, which is
13 looking through the portion of the park which has
14 recently been named Pioneer Landing.

15 And then here's that section again.

16 Here's the flood wall. We're not going above
17 the existing flood wall; we're just meeting that
18 elevation.

19 Here is the promenade, the 20-foot width for
20 the railroad right-of-way. And then here is Pioneer
21 Landing Park. Has a slight slope down to Front Street.

22 And again, Front Street's relationship to I-5.

23 And then I did want to point out the one area
24 here where we are actually raising above the flood
25 wall, and it occurs at this location here at R street.

1 And the reason -- it's a 40-foot-wide length, and the
2 reason we're going to be needing to do that is -- see
3 if here, if I backtrack a little.

4 The elevation of the railroad at that location
5 is actually higher than the existing flood wall. And
6 since we're incorporating the promenade next to the
7 railroad and we're providing a pedestrian connection
8 across, we wanted to ensure that we had positive
9 drainage away from the flood wall.

10 And in order to do that, because the railroad
11 being higher than the flood wall, we're raising --
12 we're putting -- we're raising the flood wall by about
13 18 inches there in order to have a paved surface that
14 continues from the promenade across the rail but that
15 had a positive drainage away from the flood wall.

16 We wanted to ensure we weren't draining any
17 hard surface or soft surface over the flood wall. So
18 there's that one location, a 40-foot length, where
19 we're proposing to raise the flood wall 18 inches.

20 And the Corps of Engineers has reviewed that
21 in our design and our detailing and has approved -- it
22 has come to the conclusion that it doesn't have any
23 impact on the hydrology of the Sacramento River.

24 SECRETARY DOHERTY: Pardon me, but one of the
25 things -- Item 25 says the existing flood wall shall

1 not be cut or penetrated, so --

2 MR. PAYNE: That's correct.

3 SECRETARY DOHERTY: -- what -- are you not
4 penetrating it? Or what are you -- how are you raising
5 it?

6 MR. PAYNE: It's just going to be a cap on top
7 of the flood wall. It's not -- there aren't any
8 penetrations. It's not --

9 SECRETARY DOHERTY: How is it going to be
10 attached, though?

11 MR. PAYNE: Just -- Dana? Is that -- is it
12 actually with -- done with rebar?

13 I just wanted to clarify with our structural
14 engineer. There is going to be rebar which will be --

15 SECRETARY DOHERTY: Which will penetrate the
16 existing flood wall?

17 MR. PAYNE: Which will penetrate the existing
18 flood wall. Correct.

19 SECRETARY DOHERTY: But according to Item 25,
20 you can't do that.

21 MR. PAYNE: Well, that design with the rebar
22 was submitted to the Corps of Engineers, and they're
23 aware of that design.

24 SECRETARY DOHERTY: Hm.

25 MR. PAYNE: This is Darren Mack from SAGE, our

1 structural engineers.

2 MR. MACK: Thank you very much.

3 The design for the top of that wall cap has
4 some minimal rebar doweling into the top of the wall.
5 There are some of those vertical tendons that were
6 installed by the Corps in 1996 as part of the retrofit
7 work.

8 Our plan includes that if there is any changes
9 to that that those will be reencased. If they're
10 loosened, they'll be retightened. They'll be returned
11 to the original specifications.

12 That's all been shown in the plans. It's part
13 of the construction documents. And that was provided
14 to the Corps, and that was part of their review. They
15 had some specific comments on that, and we have
16 actually come to terms with the fact that they have
17 been okay with what's been shown on the plans to this
18 date.

19 It was a very minor modification to the top of
20 the wall. It doesn't impact the structural integrity
21 of the wall.

22 SECRETARY DOHERTY: Mr. Dawson, is that
23 correct, that there is not going to be in any problem
24 with this?

25 FLOODWAY PROTECTION ENGINEER DAWSON: Steve

1 Dawson. That is correct.

2 The word penetrations meant cutting through
3 for putting pipelines through the wall, leaving it
4 blocked out, or something like that.

5 Vertical penetrations for attachment of a cap
6 is a standard construction procedure, and it doesn't
7 violate the intent of the word "penetration."

8 Penetration is removal of parts of the wall
9 for other purposes.

10 SECRETARY DOHERTY: Okay. That answers my
11 question, thank you.

12 BOARD MEMBER RIE: President Carter, I have a
13 question.

14 What's out there now? Is there a road there,
15 or a flood control access road?

16 MR. PAYNE: Yeah, apparently it's -- well,
17 it's Front Street which is asphalt. And the asphalt
18 from Front Street, just for a majority of the way,
19 continues over to the landward side of the flood wall.
20 And then there's railroad tracks which are actually in
21 the asphalt.

22 That's the current condition from O Street
23 down to about R Street. And then from R Street down,
24 there is just a weed patch, a triangular weed patch,
25 where we're proposing to put the park. And there is an

1 asphalt -- an existing asphalt bicycle path that
2 continues down the full length and to the end of the
3 flood wall.

4 BOARD MEMBER RIE: Does the asphalt extend
5 from the railroad tracks to the flood wall along the
6 entire length?

7 MR. PAYNE: Not the entire length, but a large
8 portion of our Phase 1, the asphalt does continue.

9 BOARD MEMBER RIE: It's already there?

10 MR. PAYNE: It's already there, yeah.

11 BOARD MEMBER RIE: Okay. And who maintains
12 the flood wall?

13 MR. PAYNE: City Utilities.

14 BOARD MEMBER RIE: And this is a question for
15 our staff. Does the Board have an easement in this
16 location?

17 FLOODWAY PROTECTION ENGINEER DAWSON: Steve
18 Dawson. At this location, I do not believe that we
19 have an easement.

20 BOARD MEMBER RIE: If we don't have an
21 easement, why do they need to get a permit from us?

22 FLOODWAY PROTECTION ENGINEER DAWSON: Because
23 it's a federal project levee, and we have regulatory
24 rights, and whether we have an easement or not is
25 something that we've been wondering about.

1 We'd like to have an easement on the entire
2 system, but we do not. It's very spotty. It's not
3 connected. Even though it's an urban area, we may not
4 have an easement.

5 BOARD MEMBER RIE: So there's no easement
6 currently.

7 FLOODWAY PROTECTION ENGINEER DAWSON: That I
8 know of.

9 BOARD MEMBER RIE: Okay. Thank you.

10 PRESIDENT CARTER: Mr. Payne, do you have
11 anything else to share?

12 MR. PAYNE: No, that would be it for our
13 presentation.

14 PRESIDENT CARTER: Okay. Any questions for
15 the applicant?

16 Thank you very much.

17 MR. PAYNE: Thank you.

18 PRESIDENT CARTER: Are there any members of
19 the audience, the public, that wish to comment in
20 support of the application?

21 (No response)

22 PRESIDENT CARTER: Any who wish to comment in
23 opposition to the application? Anybody who just wants
24 to comment?

25 (Laughter)

1 SECRETARY DOHERTY: Looks like a good project.

2 PRESIDENT CARTER: Okay. Very good.

3 Then does the staff or the applicant, do they
4 wish to add anything to what they have already shared
5 with us? Okay.

6 Then we will close the public testimony
7 portion of our hearing. Members of the Board, any
8 comments, questions of staff, applicants?

9 BOARD MEMBER RIE: I move to approve.

10 PRESIDENT CARTER: Okay. We have a motion to
11 approve.

12 BOARD MEMBER BROWN: Is this the permit, the
13 notice, the determination, with the State
14 Clearinghouse?

15 PRESIDENT CARTER: The motion should be to
16 adopt the CEQA findings and approve the permit.

17 BOARD MEMBER RIE: I move to approve the
18 permit as recommended by staff and to adopt the CEQA
19 findings.

20 BOARD MEMBER BROWN: I'll second that,
21 Mr. Chairman.

22 PRESIDENT CARTER: Okay. Miss Suarez, did you
23 have a question?

24 BOARD MEMBER SUAREZ: I just want to ask quick
25 clarification in terms of our -- what kind of

1 guarantees we have within the permit in terms of
2 gaining access to monitoring and things of that sort.

3 Is there language in our permit that -- an
4 easement guarantee? I mean, I realize it's a public
5 space and all that.

6 FLOODWAY PROTECTION ENGINEER DAWSON: Could
7 you repeat the question? I didn't hear all the
8 question. I was reading the document.

9 BOARD MEMBER SUAREZ: Does the permit provide
10 all the guarantees we need in order to get access to
11 all the information, to any locations to do any type of
12 monitoring or inspection that we feel necessary?

13 FLOODWAY PROTECTION ENGINEER DAWSON: Yes.

14 BOARD MEMBER SUAREZ: Thank you.

15 PRESIDENT CARTER: Mr. Butler?

16 SENIOR ENGINEER BUTLER: I just have a
17 question for Mr. Hodgkins. At this point, did you want
18 to include in the motion any additional permit
19 conditions as we discussed about future development?

20 VICE-PRESIDENT HODGKINS: This is just a
21 permit for Phase 1?

22 SENIOR ENGINEER BUTLER: Correct.

23 VICE-PRESIDENT HODGKINS: And there will be
24 permits for Phase 2, 3, and 4?

25 SENIOR ENGINEER BUTLER: As necessary.

1 VICE-PRESIDENT HODGKINS: If they go ahead.

2 No, I'm okay with this.

3 SENIOR ENGINEER BUTLER: Okay, thank you.

4 BOARD MEMBER SUAREZ: Mr. President, I have
5 one more question.

6 PRESIDENT CARTER: Please.

7 BOARD MEMBER SUAREZ: I just need
8 clarification on what the status of the CEQA documents
9 are. Do you have a programmatic that got approved, and
10 then you're going to do specific documents where we'll
11 have opportunity to comment on those too, or?

12 MS. TINCHER: Beth Tinch. So there was a
13 Mitigated Negative Declaration and an initial study
14 that was adopted that evaluated the entire length of
15 the project.

16 There are mitigation measures that are
17 required for each phase of the project which does
18 require some additional analysis in later phases.

19 But there won't be -- other than that new
20 environmental documentation required with each phase of
21 the Promenade. For the development project, yes.
22 There is an entire Environmental Impact Report being
23 prepared for the development project itself.

24 PRESIDENT CARTER: Okay. Any other questions?
25 Comments?

1 VICE-PRESIDENT HODGKINS: A question for
2 staff. Miss Suarez -- Ms. Suarez.

3 PRESIDENT CARTER: Are you sure about that?

4 VICE-PRESIDENT HODGKINS: -- made the --
5 implied that we are able to review and comment on the
6 CEQA documents on this kind and other sorts of
7 riverside projects. Is that a fair statement? Are we
8 able to do that at this time?

9 SENIOR ENGINEER BUTLER: That is accurate.

10 VICE-PRESIDENT HODGKINS: Good. Good.

11 SENIOR ENGINEER BUTLER: And I would add that
12 we intend to review and comment as appropriate on any
13 subsequent documents related to this project and the
14 docks -- what is it called? Specific area plan,
15 specific plan.

16 VICE-PRESIDENT HODGKINS: That's correct.

17 PRESIDENT CARTER: Any other questions?

18 So ladies and gentlemen, we have a motion
19 before us to adopt the CEQA findings, approve the
20 permit, and direct staff to file a notice of
21 determination with the State Clearinghouse.

22 Mr. Punia, would you call the roll.

23 EXECUTIVE OFFICER PUNIA: Board Member Emma
24 Suarez?

25 BOARD MEMBER SUAREZ: Aye.

1 EXECUTIVE OFFICER PUNIA: Board Member Butch

2 Hodgkins?

3 VICE-PRESIDENT HODGKINS: Aye.

4 EXECUTIVE OFFICER PUNIA: Board Member Teri

5 Rie?

6 BOARD MEMBER RIE: Aye.

7 EXECUTIVE OFFICER PUNIA: Board Member John

8 Brown?

9 BOARD MEMBER BROWN: Aye.

10 EXECUTIVE OFFICER PUNIA: Board Member Lady

11 Bug?

12 SECRETARY DOHERTY: Aye.

13 EXECUTIVE OFFICER PUNIA: Board President Ben

14 Carter.

15 PRESIDENT CARTER: Aye. So the motion

16 carries. We will adjourn this hearing. Thank you very

17 much ladies and gentlemen for your time.

18 Okay, on to Item 10 which is a requested

19 action: Approve Memorandum of Understanding with the

20 US Army Corps of Engineers for Natomas Credit and

21 related agreement with SAFCA.

22 Ms. Mullin, good morning.

23 MS. MULLIN: Good morning.

24 DEPUTY ATTORNEY GENERAL CAHILL: Are we on 10

25 or 11?

1 PRESIDENT CARTER: We're on 10. Did I
2 misspeak? I'm sorry.

3 DEPUTY ATTORNEY GENERAL CAHILL: No, we're on
4 10. It's all right.

5 PROJECT MANAGER MULLIN: Good morning, Members
6 of the Board, President Carter.

7 My name is Erin Mullin, and I am the project
8 manager for the American River Common Features General
9 Reevaluation Report. I am here to discuss Item 10 on
10 the agenda.

11 I know when this was first placed on the
12 agenda, we were still evaluating what it was we were
13 actually going to ask the Board to do. You guys -- I
14 believe you received a staff report about this issue,
15 and it's been something that's just come to us and has
16 been an evolving process, and we've been having a lot
17 of dialogue about.

18 Originally, we were under the impression that
19 we were going to request the Board to sign an MOU
20 between the Board and the Army Corps of Engineers.
21 This would possibly take the place of the Section 104
22 credit that was signed by the Board in January of 2008.

23 Since it was first placed on the agenda, we
24 have had numerous discussions, several meetings with
25 counsel, and we have concluded that that -- that an MOU

1 between the Board and the Corps is not the appropriate
2 way to proceed.

3 Currently, at the time, the MOU is going to be
4 between SAFCA and the Board, so we are not requesting
5 any action.

6 But we do believe that it's important for you
7 to understand what has happened, the decision that we
8 have come to, how this is going to affect your project,
9 which is the American River Public Features GRR, and
10 the course of action that SAFCA and the Board are going
11 to be taking.

12 And to present that to you, I believe Scott
13 Shapiro is going to be discussing that.

14 MR. SHAPIRO: Thank you, Erin.

15 President Carter, Members of the Board, Scott
16 Shapiro, special counsel for Sacramento Area Flood
17 Control Agency.

18 You'll actually have the pleasure, I hope, of
19 two PowerPoints in the next half hour. I'm going to do
20 one to describe the crediting and why the decision was
21 made, by both SAFCA as well as Board staff and
22 Department of Water Resources, that you did not need to
23 take an action today on crediting.

24 But after my brief PowerPoint, Ric Reinhardt,
25 program manager for the Natomas Levee Improvement

1 Program, will do another brief PowerPoint so that you
2 can get a preview for the work that's being done by
3 SAFCA in light of next month when SAFCA is requesting
4 that you actually issue a permit for the work to be
5 done this spring.

6 So we thought it was a good opportunity to
7 both explain what's going on with crediting and also
8 give you that preview, give you time to formulate your
9 questions, then next month you'll know what's going on
10 as that permit issue comes before you.

11 I'm going to take the liberty of moving a
12 little bit here so I'm facing you.

13 BOARD MEMBER RIE: Excuse me. Before you get
14 started, I just want to clarify that the Board is not
15 taking any action today?

16 MR. SHAPIRO: That's correct.

17 DEPUTY ATTORNEY GENERAL CAHILL: That is our
18 staff recommendation.

19 BOARD MEMBER RIE: Okay.

20 MR. SHAPIRO: Unless the Board elects to take
21 an action. But SAFCA, your staff, and Department of
22 Water Resources had numerous meetings, conference
23 calls, and e-mails, and came to the conclusion no Board
24 action was required. We'd like to explain why and
25 assure that you agree.

1 BOARD MEMBER RIE: Okay.

2 MR. SHAPIRO: So I'm going to spend a moment
3 talking about the crediting. And sometimes it's worth
4 backing up and reminding everyone what we talk about
5 when we talking about crediting.

6 Traditionally, the Corps constructs projects,
7 and that's been the role over the last 50 years of the
8 Corps in the Central Valley.

9 But more recently, due to budget constraints
10 and new rules within the Corps, coupled with the locals
11 and the state actually having funds to construct
12 projects, as you're well aware from the Three Rivers
13 circumstance, we find local projects being constructed
14 in advance of the Corps.

15 So normally when the Corps constructs a
16 project, the Corps looks to a nonfederal interest to
17 pay its percentage. For newly authorized projects by
18 the United States Government, that's typically 35
19 percent local share, or nonfederal interest, and
20 65 percent federal interest.

21 Well, in California, that nonfederal interest
22 is split between the state and a local community
23 pursuant to AB 1147 which you've actually had
24 presentations on regarding the new regulations on how
25 that share should be split.

1 Well, in programs where the locals actually
2 construct in advance of Congressionally authorized
3 projects or where the Corps has been authorized but
4 doesn't have funds, there are various statutory
5 provisions that actually allow credit to be
6 accumulated.

7 And what I want to do is talk about what that
8 credit is and how it applies in this particular
9 circumstance.

10 What actually is requested when you usually
11 submit a 104 credit request, for example, is you're
12 saying if we, the state and/or the locals, construct
13 items, construct facility, we want the dollars that are
14 spent to be credited towards our account.

15 And then later, when the Corps comes in to
16 finish the construction and says where is your local
17 share of the work we're going to do? Our response is:
18 We have that credit in the bank, and that credit would
19 be our local share.

20 And that's normally what we're talking about
21 in the context of credit.

22 The most common mechanism, and the one the
23 Board sees regularly, is Section 104 credit. This
24 crediting mechanism comes from Section 104 of WRDA
25 1986 -- again, WRDA is the Water Resources Development

1 Act. It's a regular reauthorization act that Congress
2 passes.

3 And what it provides is that where a project
4 is not authorized and the local agency wants to do the
5 work and seeks credit, the local agency shall request
6 the credit preapproval prior to the start of work.

7 And the Corps has interpreted start of work as
8 actually contract the work. It's not sticking a shovel
9 in the ground; it's actually awarding a contract that
10 will result in a shovel being put in the ground.

11 The actual credit isn't really determined
12 until much later. We think about oh, 104 credit has
13 been received. All that really means is that 104
14 credit might be received in the future.

15 And the mechanism for whether it's received is
16 Congress has to approve the project, then you measure
17 the approved project against the work done, and you see
18 whether it matches up, whether it costs what the Corps
19 would have spent, and then if so you can get credit.

20 There are other specific crediting mechanisms
21 for particular projects or particular circumstances.

22 You may recall two or three months ago the
23 Board actually approved a Section 103 request. That
24 was a deferral of credit that was used in the Yuba
25 Basin project. And today we're going to talk about

1 Section 130 of the Omnibus Appropriations Act of 2008.

2 When this Board requested Section 104 credit
3 on the Natomas Cross Canal project, the work that was
4 done now last year, the Secretary of the Army, the
5 Assistant Secretary of the Army, wrote back saying yes,
6 104 credit is granted, assuming this is not an already
7 authorized project.

8 Because Section 104 only applies where a
9 project isn't authorized, and there was some question
10 of whether the Cross Canal might have already been
11 authorized.

12 So in response to that, SAFCA, working with
13 Congresswoman Matsui, actually had legislation added to
14 the Omnibus Appropriations Act of 2008. And it
15 provides: The nonfederal interest shall receive credit
16 towards the nonfederal share of project costs for
17 expenses that the nonfederal interest incurs for design
18 or construction of any authorized project feature,
19 including credit for work commenced before the date of
20 execution of a cooperation agreement for the affected
21 feature, and the amount of the credit shall be
22 determined by the Secretary.

23 So what the legislation says is we're using
24 104 if it's not authorized; but if it was authorized,
25 you can still get credit. So this legislation came

1 down saying credit is available.

2 Now there's a real question as to what is the
3 appropriate credit mechanism for Phase 2 SAFCA work,
4 the work that Ric is going to brief you on now and
5 we're going to request a permit for next month.

6 Because SAFCA believes in many ways that this
7 work has already been authorized. It was American
8 Common Features authorizations that provide that work
9 can be done to raise and strengthen Natomas levees.

10 But the cost of the project and the scope of
11 the project, as you've heard and will hear, continues
12 to change. So there's some question is it authorized
13 or not.

14 While SAFCA believes it is, and Section 130
15 applies, in the event there are elements that Congress
16 says ultimately was not authorized, then Section 104
17 applies.

18 Now you've already sent a 104 request letter.
19 You did that in January of last year. And that will
20 lock in any credit necessary for those sections of the
21 project not authorized.

22 What we're doing today is talking about the
23 sections of the project that were authorized.

24 So we're doing a belt-and-suspenders approach,
25 and the Corps has agreed to process both the 130 credit

1 and the Section 104 request together, all the way up to
2 headquarters, get them approved, and as a result know
3 that if what we do was authorized, it's covered under
4 130; if it wasn't authorized, it's covered under
5 Section 104.

6 Now, you have to figure out the mechanism for
7 actually getting Section 130 credit. Because while the
8 legislation that I quoted says you get it, there still
9 needs to be paperwork associated with it.

10 And so the Corps about two months ago said we
11 think that the appropriate mechanism for documenting
12 this credit should be to use the Section 2003 mechanism
13 from WRDA 2007.

14 So WRDA 2007, the Water Resources Development
15 Act of 2007, said whenever you're dealing with
16 crediting mechanisms that are not Section 104,
17 generally we're going to use this MOU, this Memorandum
18 Of Understanding process where we have a written
19 agreement in advance saying here is how credit will be
20 handled.

21 What the Corps said is we don't have specific
22 guidance for Section 130. So locals, local district of
23 the Corps, state, whoever -- use section 2003.

24 So section 2003 of WRDA provides that in any
25 case in which the nonfederal interest is to receive

1 credit, the Secretary and the nonfederal interest shall
2 enter into the agreement under which the nonfederal
3 interest shall carry out the work, and only work
4 carried out following the execution of the agreement is
5 eligible for credit.

6 And Corps issued guidance, and the guidance
7 says, here's an MOU. If you fill in the blanks, we'll
8 approve it, and that will be the agreement required
9 under Section 2003.

10 In order to get the credits, the MOU must be
11 executed before SAFCA awards a construction contract.
12 I have here April 1; I understand it's actually
13 April 2.

14 The MOU in the form drafted by the Corps
15 actually comments the signer to do things, such as
16 actually build a project. Such as comply with the
17 Uniform Relocations Act. Such as obtain all rights,
18 easements, and lands that are required for the project.

19 Because SAFCA is the entity that's going to do
20 all those things, we believe that SAFCA is the
21 appropriate entity to sign the MOU. It has approved
22 it, it has signed it, and it has sent it to the Corps
23 for the Corps to begin to process.

24 Now, there was some concern by your staff and
25 DWR initially as to the relationship between SAFCA on

1 the one hand and the Corps on the other for this credit
2 because, as you well know, the State will likely be a
3 very significant funder of the work in Natomas.

4 And while SAFCA should get credit for the work
5 it is doing, how does the State get credit for the
6 money it is putting into the project?

7 And through the numerous meetings we had and
8 e-mails and briefings, et cetera, we came to the
9 conclusion jointly -- DWR, the Corps, and the Board
10 staff, as well as SAFCA -- that the funding agreement
11 that will exist between DWR and SAFCA to fund the
12 Natomas work protects the State for the credit that it
13 needs to obtain.

14 From the Corps' perspective, the way that the
15 credit works is there isn't credit that is assigned to
16 the State and credit that is assigned to SAFCA. There
17 is credit which is available to the nonfederal
18 interest.

19 The Corps doesn't look and say, oh, we want
20 the nonfederal interest to be divided on a 70-30 split
21 or 50-50 split. They just say, we need money from the
22 nonfederal interest to construct the project. How the
23 nonfederal interests divide between themselves is
24 irrelevant to them.

25 And so the funding agreement that will be in

1 place between SAFCA and the State which allows the work
2 to occur has in it language which says any money which
3 the locals put in and you get credit for goes to the
4 benefit of the locals, and any money that the State
5 puts in that you get credit for goes to the benefit of
6 the State.

7 So the likely scenario here is: SAFCA puts
8 in -- I'll make up the numbers -- \$50 million; the
9 State puts in \$150 million. There is now \$200 million
10 of nonfederal interest money. We go and construct
11 parts of Natomas. We get credit for \$200 million.

12 So two to three years from now, the Corps
13 authorized -- gets an authorization to do its
14 construction in Natomas and finish that project up.

15 The Corps says we need contribution from the
16 nonfederal interest to finish the project. SAFCA and
17 DWR look at each other and say we have \$200 million of
18 credit to use. And then between us, we say how is that
19 divided? Well, it's divided in the exact same ratio
20 that we put it in the first place -- 70/30 split.

21 So we came to the conclusion that we really
22 are adequately protected. And SAFCA believes the Board
23 is adequately protected, and DWR is, and I know both
24 are here today to offer their perspective as well.

25 But we did want you to at least be aware of

1 why this one's different when normally the Board
2 requests the credit. In this case, SAFCA is doing so.

3 One last mechanism issue, just to explain why
4 we pushed it this way: We did talk briefly about a
5 three-party agreement which would provide both SAFCA
6 and the Board or DWR on the agreement.

7 The problem was that changing the form of the
8 agreement would require headquarters approval within
9 the Corps. We weren't sure we could get it done before
10 our April 2nd date to start construction.

11 And then we said, well, what if instead SAFCA
12 didn't sign, and we just did a traditional agreement
13 between the Board and the Corps and then we had a
14 separate subagreement between the Board and SAFCA, like
15 we usually do.

16 Well, that agreement now has to go to the
17 Department of General Services within the State to be
18 approved because it commits the Board and the State to
19 do something. As you know, you're not signing any new
20 financial commitments now. So that would delay things
21 until more than April 2nd.

22 And so we all agreed, to get this program
23 going this year, in light of the protections already
24 provided, we would be covered.

25 So unless you have questions for me -- I don't

1 know if your Board counsel or DWR wants to offer any
2 thoughts?

3 DEPUTY ATTORNEY GENERAL CAHILL: I would
4 just -- I know Board Members often want to know what
5 their own staff's view is.

6 We were originally presented the draft MOU
7 which is an absolutely standard agreement from the
8 Corps. And as long as you stay in the absolutely
9 standard terms, the district officials of the Corps can
10 sign it.

11 But as soon as you vary anything, it has to go
12 up to headquarters which takes weeks, is what the Corps
13 counsel was telling us.

14 So I looked at the original draft that was
15 between the Board and the Corps, because traditionally
16 the locals have come to us and asked us to send the
17 request for credits to the Corps because we were the
18 supposed local sponsor -- nonfederal interest.

19 And this MOU was one that we really couldn't
20 sign the way it was. It didn't just say if you do it
21 you'll get credit; it said, you will do it. And you
22 will do relocation assistance, and you will do certain
23 labor things, and you will do this and that.

24 These were commitments we couldn't make. And
25 if we wanted to negotiate any changes, it would have

1 been weeks out to the Corps. And if we were going to
2 make commitments, we're off committing new State -- it
3 just didn't work very well.

4 So next we talked about a three-party
5 agreement where we would add SAFCA and then we would
6 put all the obligations on SAFCA, although the Board
7 would still be a signatory.

8 And the Corps has told us they would consider
9 that also a significant modification of the standard
10 MOU that would have to go up to Washington.

11 And the thing is that when you look at the
12 MOU -- and it's in your package; we did give you the
13 copy because I thought you might want to see it -- we
14 gave you the copy of the MOU as between the Corps and
15 SAFCA. And you will see that it really is SAFCA that
16 is going to do all the things that this MOU talks
17 about.

18 So instead of the Board agreeing to do them
19 and then doing a side agreement passing it all on to
20 SAFCA, the Board and SAFCA -- I mean the Corps and
21 SAFCA are going to do this MOU agreement.

22 And our last remaining concern really was
23 whether somehow the State's investment would be lost.
24 And we have concluded that it won't be or it's not
25 likely to be because, as Scott Shapiro has said, the

1 Corps' view is there's a nonfederal interest, and the
2 credit goes to the nonfederal interest.

3 The credits come into play when the Corps
4 starts to construct part of the project and the credit
5 makes them ask for less nonfederal interest which
6 benefits both the State and SAFCA.

7 We're assuming at this point that when there
8 is finally a project agreement -- we used to call them
9 project cooperation agreements, and now they're PPAs --
10 project participation agreements?

11 MR. SHAPIRO: Partnership.

12 DEPUTY ATTORNEY GENERAL CAHILL: Partnership.
13 Project partnership agreements.

14 That all three parties will probably sign. It
15 will be between the Board and SAFCA and the Corps. And
16 we will start that with enough time that, even though
17 we're nonstandard, we can run it up to Washington.

18 So this is our staff recommendation. We think
19 the two-party agreement between SAFCA and the Corps
20 makes a lot of sense. It is SAFCA that's doing the
21 work, that's going to undertake all the obligations.

22 And so at this point, we don't recommend that
23 you take any action on the item. But we did want to
24 have this presentation so that you knew how we reached
25 that conclusion.

1 PRESIDENT CARTER: Ms. Cahill, to the extent
2 that SAFCA is acquiring lands, easements, rights of
3 ways and whatnot, are those going to be in the name of
4 the Sacramento-San Joaquin Drainage District as part of
5 the flood channel, or is that going to be in the name
6 of SAFCA?

7 DEPUTY ATTORNEY GENERAL CAHILL: You know, my
8 understanding is that SAFCA is condemning the property
9 in its own name, and it will then convey it to the
10 Sacramento-San Joaquin Drainage District.

11 MR. SHAPIRO: That's correct. We are
12 condemning it in our own name. And then pursuant to
13 the permit that we seek from you next month, the
14 standard permit condition requires that within three
15 years of constructing the project we convey all
16 necessary rights in the land to the Sacramento-San
17 Joaquin Drainage District.

18 Some of those rights get conveyed as an
19 easement, some as fees; it depends upon the
20 circumstance. But we are required to do that.

21 DEPUTY ATTORNEY GENERAL CAHILL: And that's
22 maybe a good segue into the second part of the
23 presentation, which is to introduce the changes.

24 You actually approved permits for this work a
25 year ago, but there were some changes made since you

1 approved it. A supplement environmental document has
2 been done.

3 And so perhaps SAFCA would like to present --
4 tell you where the changes are.

5 And then next month, we can have a quick
6 presentation because you'll have had a month to think
7 about it.

8 PRESIDENT CARTER: Any questions?

9 BOARD MEMBER SUAREZ: If I could just take a
10 moment for a few quick questions. Has DWR signed an
11 agreement with the Corps, like your MOU?

12 MR. SHAPIRO: No, the -- DWR was part of our
13 discussions. But DWR has not signed the agreement
14 because DWR, as with the Board, isn't doing any of the
15 work. DWR's role is as a funding function.

16 DEPUTY ATTORNEY GENERAL CAHILL: But DWR will
17 sign an agreement with SAFCA that specifies that the
18 credits will be split between them.

19 BOARD MEMBER SUAREZ: Okay. And that document
20 doesn't come to us.

21 DEPUTY ATTORNEY GENERAL CAHILL: No. That's
22 the funding agreement between SAFCA and DWR.

23 BOARD MEMBER SUAREZ: And Mr. Shapiro, you
24 mentioned at the end of your presentation that going
25 through all this arrangement or this suggestion that

1 SAFCA sign the agreement with -- MOU with the Corps
2 protects the Board. And I was wondering what you meant
3 by that. Protects it from what?

4 MR. SHAPIRO: It protects the investment that
5 the State of California will make and that SAFCA will
6 make financially so that we all can get credit for
7 those investments when the Corps comes in to do its
8 piece of the construction.

9 BOARD MEMBER SUAREZ: But that is only
10 accurate if you, with SAFCA and DWR, come into
11 agreement and put together some type of agreement?

12 MR. SHAPIRO: Correct. But we can't construct
13 the project unless we sign the agreement with DWR
14 because we need to receive the \$192 million in the
15 State budget from DWR to be able to construct the
16 project.

17 So there's no scenario under which we can
18 build Natomas without the Corps doing work or DWR
19 providing funding.

20 BOARD MEMBER SUAREZ: Well, there is TARP
21 money.

22 (Laughter)

23 MR. SHAPIRO: There is TARP money, and this is
24 troubled.

25 PROJECT MANAGER MULLIN: Erin Mullin, DWR. I

1 just would like to clarify that the work that's going
2 on in Natomas is being funded through the EIP project,
3 which is a DWR funding mechanism.

4 And through the EIP process, there are
5 agreements signed between the recipient and DWR that
6 accounts for potential credits and funding and
7 responsibilities and accountabilities. These credits
8 will then be used on your project.

9 The American River Common Features Project is
10 the Board's project. It is not DWR's project. So the
11 credits that are developed through this process,
12 through the EIP process, will then be able to be used,
13 from the Board's perspective, on their projects once it
14 gets to that state in construction.

15 Does that answer your question? Okay. Thank
16 you.

17 PRESIDENT CARTER: Any other questions of
18 staff at this point?

19 VICE-PRESIDENT HODGKINS: I'd just like to
20 thank both our staff and Scott for taking the time to
21 give us what I thought was an excellent explanation of
22 what's going on.

23 MR. SHAPIRO: Thank you. And with your
24 permission, Ric Reinhardt can present a little bit of
25 overview of the project.

1 PRESIDENT CARTER: Assuming there are no other
2 questions? Please.

3 MR. SHAPIRO: Thank you.

4 SENIOR ENGINEER BUTLER: While this is
5 loading, I just want to take a moment here before Ric
6 comes up to just remind you guys of a couple of things.

7 We thought we would take this opportunity to
8 refresh everyone's memory on the two applications that
9 were approved with respect to SAFCA's Natomas Levee
10 Improvement Program, and then Ric will kind of bring
11 you back up to speed on the technical details.

12 And then next month, we'll be bringing those
13 two applications back to you because, as Ginny
14 mentioned, there was a supplemental environmental
15 document that was done that basically covered several
16 technical changes that occurred as SAFCA moved from
17 their 60 percent plans and specifications to the final
18 100 percent plans and specs.

19 And throughout that process, the Corps was
20 going through the 408 review that we also requested of
21 them, which your permits that you approved were subject
22 to 408 review.

23 That 408 approval from headquarters down to
24 the Sacramento district has just been recently
25 received, and I believe I placed a copy of the 408

1 approval letter from the district in your packet.

2 So it's my hope that as we dovetail onto Ginny
3 and Scott's presentation this will speed up the process
4 next month when we bring those two permits back to you
5 for their final approval reflecting the 100 percent
6 designs and specifications.

7 So with that, I'm going to turn this over to
8 Ric to complete this agenda item.

9 PRESIDENT CARTER: Thank you, Mr. Reinhardt.
10 I trust you'll go through this stack with some
11 alacrity.

12 MR. REINHARDT: Good morning, President
13 Carter, Members of the Board.

14 Ric Reinhardt, MBK Engineers. I am the
15 program manager for the Natomas Levee Improvement
16 Program.

17 The goal of this presentation is to give a
18 brief overview of the program in advance of the actions
19 that we've requested of your Board in -- at your March
20 Board meeting.

21 This overview will consist of laying out our
22 construction program phasing schedule and cost
23 estimates, the construction segments, environmental
24 constraints, and provide an opportunity for questions
25 and answers on the program, specifically the actions

1 that we're requesting of you.

2 And then you already heard the last item, the
3 credit request.

4 The Natomas Levee Improvement Program is part
5 of a comprehensive flood risk reduction program for the
6 Sacramento area. It is being carried out as part of
7 the federal-state-local American River Common Features
8 project.

9 The Central Valley Flood Protection Board is
10 the nonfederal sponsor, and SAFCA is your local
11 sponsor.

12 The Natomas Basin is protected by 42 miles of
13 perimeter levee system. As part of our studies, we
14 have identified that it has inadequate freeboard. We
15 have geotechnical and stability problems. And as
16 you're well aware, along the Garden Highway we have a
17 number of encroachment and vegetation issues that we
18 are working on in light of the Corps' new vegetation
19 and encroachment standard.

20 We also have erosion sites that we're dealing
21 with around the basin.

22 Our program objectives are to provide 100-year
23 protection as quickly as possible, provide 200-year
24 protection over time, and then also to ensure that as
25 the basin continues to develop that it does not

1 substantially increase the risk of expected damages as
2 the result of a flood event.

3 And we have done that through our development
4 fee program so that each new development funds
5 additional levee improvements so that we'll continually
6 reduce the probability of flooding over time, even
7 though we're increasing the potential for damages.

8 Levee seepage. Primary concerns are
9 underseepage, flow under the levee and through the
10 levee. These are pictures of the homes along the
11 Garden Highway and some of the vegetation and
12 encroachments that we are dealing with.

13 We have a number of active erosion sites on
14 the American River that we've been working with your
15 Board, the Department, and the Corps of Engineers as
16 part of the Sac Bank program to fund any of the fees
17 Sacramento Bank Protection Project does not undertake
18 and we would undertake if necessary as part of this
19 project.

20 The program is broken out by permit phasing.
21 The work that we're going to construct in 2009 is
22 Phase 2. It consists of additional work on Natomas
23 Cross Canal and work on the Sacramento River, reaches 1
24 through 4A.

25 This is a -- just north of the airport and

1 just north of Elverta, for those familiar with the
2 area. This is estimated about \$90 million of work.
3 Our plan is to construct all of that in 2009.

4 In addition, Phase 3 of this program, which is
5 Sacramento River reaches 5 through 9B, the Pleasant
6 Grove Creek Canal and the Natomas East Main Drainage
7 Canal from Elkhorn down to Northgate.

8 That EIS -- that draft EIS/EIR is now out for
9 public review, and we have a hearing at the March 16th
10 SAFCA Board meeting. We'll be bringing that forward
11 for permitting later this year as we complete the
12 60 percent plans and specifications.

13 Total program costs to achieve 200-year
14 protection is estimated at \$618 million. We're going
15 to be updating this cost estimate as we get our actual
16 construction bids in the end of March and present that
17 information to the SAFCA board in April.

18 The -- as I discussed earlier, the Sacramento
19 River 1 through 4A, we're going to construct in 2009
20 along with Natomas Cross Canal. That's the permits
21 that we're going to ask you to take action on in March.

22 That will be followed by reach 4B on the
23 Sacramento River. We hope to be underway in
24 construction in the latter part of 2009. We will be
25 coming back to your Board for action, I suspect, in the

1 May time frame, June at the latest.

2 And then Sacramento River reaches 5A through
3 9B, we want to do some early work in 2009 which is
4 canal relocation, relocation of utilities, demolition
5 of any structures and vegetation removal so that when
6 we start the 2010 construction season all of that work
7 is out of the way, and we can get the levee work done
8 in one season as well.

9 The primary feature of the work on the
10 Sacramento River is an adjacent levee where we need to
11 raise that levee.

12 We'll be building onto the existing levee.
13 We'll have a full crown width and then a 3-to-1
14 backslope.

15 In the downstream reaches where we have
16 adequate freeboard, we'll only be building it wide
17 enough to avoid the need to -- or minimize the need to
18 remove vegetation encroachments to the waterside.

19 We're having to move a tremendous amount of
20 borrow to construct the adjacent levee and seepage
21 berms. I think the estimate right now is somewhere in
22 the seven to nine million yard range. These are the
23 borrow sorts -- sources that we'll be using, and we're
24 working with landowners now to negotiate our ability to
25 use that material.

1 As part of this project, we're also impacting
2 a significant number of RD 1000's drainage facilities
3 as well as Natomas Mutual Water Company's irrigation
4 facilities. And so we're working closely with those
5 agencies to relocate them in a way that minimizes the
6 disruption of their project purpose as well as seeking
7 opportunities to enhance those features, especially for
8 their environmental value.

9 So for RD 1000's drainage ditches, we're
10 enhancing them by increasing the habitat value for
11 giant garter snake. And for the Natomas Mutual Water
12 Company, we're improving and accomplish the same
13 objective.

14 We have a couple of significant constraints on
15 our construction program.

16 First, Swainson's hawk or nesting raptors in
17 general pose a challenge during the construction
18 season. If there is an active nest, then there are
19 requirements for avoiding a certain perimeter around
20 that nest.

21 We've built mitigation measures into our
22 construction protocols, but it is a significant risk
23 for us as we go forward to construct that we'll have to
24 work around areas that we can't plan for today.

25 It's just an unknown that we know we're going

1 to have to deal with in construction. It's very common
2 for levee projects. We've experienced some of that in
3 the Three Rivers program.

4 In addition, we're constrained by the giant
5 garter snake construction window.

6 And lastly, and probably most significantly,
7 is cultural resources. The Sacramento River east levee
8 is -- there are significant historical Native American
9 sites, and so there's everything from villages to
10 burial areas.

11 It's a far greater challenge than I have seen
12 on any other project. Where we have known sites, we're
13 working with the most likely descendent to minimize the
14 impact on the site, to avoid it where necessary.

15 From the construction standpoint, we're going
16 to be disrupting the ground and finding sites as we go;
17 and we're very concerned as we get into construction
18 how we're going to deal with that unknown, about
19 finding new sites -- and if we find a new site, what
20 are the protocols for being sensitive with that
21 resource, minimizing the impact, avoiding it where
22 possible?

23 So lastly, these are the action items that we
24 will be requesting of your Board in March to modify the
25 permits that you issued in 2008. And that's 18156-2

1 and 18159-3.

2 As Eric Butler, said we have made some
3 substantive changes to the design of that project from
4 input from the Corps of Engineers, DWR, your staff, as
5 well as our own board of senior consultants.

6 Those changes necessitated a supplemental EIR.
7 SAFCA has adopted that, and we're going to ask your
8 Board to do the same so that you can issue those
9 permits.

10 That concludes my presentation.

11 PRESIDENT CARTER: That you, Mr. Reinhardt for
12 moving through quickly. I appreciate that. Great job.

13 I have a question. You have a 3-to-1 landside
14 slope on your cross-sections on that slide. Why did
15 you choose that as opposed to the standard 2-to-1?

16 MR. REINHARDT: The Corps of Engineers in, I
17 believe it was 2004, developed a -- the District
18 developed a standard operating procedure for
19 geotechnical design of levees.

20 And in that, they specify that the standard
21 geometry for a levee should be 3-to-1 waterside slope
22 to a 20-foot top width and a 3-to-1 landside slope.

23 That is much different than the standard that
24 the Sacramento River Flood Control Project has built,
25 as you are aware. In the upper areas of the valley, it

1 has a 2-to-1 landslide slope.

2 My understanding is they changed that landside
3 slope because they didn't believe that 2-to-1 would be
4 stable under the design conditions. But I would defer
5 to your staff or the Corps to give you a more specific
6 answer.

7 PRESIDENT CARTER: And remind me, when did
8 they change that?

9 MR. REINHARDT: I believe it was in 2004. It
10 was the culmination of the underseepage task force that
11 they assembled that set the criteria that we were going
12 to design to -- for underseepage in the Central Valley.

13 PRESIDENT CARTER: Thank you. Any questions
14 for Mr. Reinhardt?

15 SECRETARY DOHERTY: There was a group of
16 people that came before us that lived along the Natomas
17 Cross Canal. Have the problems and the situation with
18 them been solved?

19 MR. REINHARDT: I believe that was the Garden
20 Highway Community Homeowners Association.

21 SECRETARY DOHERTY: No. The people that live
22 as you're going north. They lived on the right-hand
23 side. And they lived on the south side of the Natomas
24 Cross Canal. I think it would be on the way to the
25 Brookfield borrow site.

1 MR. REINHARDT: Right. Yeah, there are a
2 couple of -- I think there are four residents up in
3 this corner up here along Howsley Road.

4 SECRETARY DOHERTY: Correct.

5 MR. REINHARDT: I think it was Ms. Hovis or
6 Henningsen?

7 SECRETARY DOHERTY: Hovis, I believe, was one
8 of them, yes.

9 MR. REINHARDT: And so we have -- we are now
10 in possession of the property. I am not familiar with
11 the specifics, but I'm not aware of any lingering
12 concerns that she has.

13 SECRETARY DOHERTY: Okay. And then there was
14 another one closer to the apex of the Cross Canal
15 there.

16 MR. REINHARDT: That's Shelley?

17 SECRETARY DOHERTY: Yes. There was -- they
18 had livestock, a barn, horses or something.

19 MR. REINHARDT: Maybe the best thing I could
20 do to answer your questions would be to come back with
21 an update in March --

22 SECRETARY DOHERTY: Okay.

23 MR. REINHARDT: -- when we take action. But
24 I'm not up to speed with their concerns right now.

25 SECRETARY DOHERTY: They came before us

1 sometime last year I can't recall exactly when. All
2 right. Thank you, Mr. Reinhardt.

3 PRESIDENT CARTER: Any other questions?
4 Mr. Punia?

5 EXECUTIVE OFFICER PUNIA: I just wanted to
6 make a comment for the Board, the information, from
7 time to time we have issued our permits before the 408
8 approval, and this was one of the case.

9 I want to bring to the Board's attention that
10 that creates additional work for the staff because now
11 we have to bring this permit again.

12 I think in future we would prefer that we
13 issue the permit once we have obtained the 408
14 approval; but from time to time, we have deviated from
15 that policy. Then we have to take this permit twice to
16 the Board.

17 PRESIDENT CARTER: Thank you. Any other
18 questions?

19 BOARD MEMBER SUAREZ: I just wanted to respond
20 that. I don't think we have a comment or a policy on
21 when we issue those permits.

22 PRESIDENT CARTER: Thank you very much.

23 MR. REINHARDT: Thank you.

24 SENIOR ENGINEER BUTLER: If I just might add a
25 closing comment just to clarify.

1 Because of SAFCA's changes in their
2 construction schedule and other reasons, the permits
3 actually haven't been issued yet. So we have kind of a
4 unique opportunity this time to come back, make some
5 additional changes to the permit conditions, allow you
6 to hear the briefing on the changes that led to the 100
7 percent design specs, and then we will issue the
8 permits, assuming you approve the recommendations that
9 we make next month.

10 So we were fortunate this time that we're
11 really not having to make two separate issuances of
12 permits, although you are making two separate
13 approvals.

14 One was subject to 408, this one.

15 Now that 408's, done you'll be just approving
16 the final design changes and environmental changes that
17 we're going to bring to you next month. And it will
18 not be my intent to drag you back through the history
19 of the project again, now that we've done this.

20 So I hope next month if we bring to you a
21 staff report that just clearly identifies what changes
22 have been made to get to the final design, that that
23 hopefully will be sufficient.

24 Of course, we will have all the reference
25 material available to answer any questions, but I don't

1 intend a repeat of the history lesson of the NLIP next
2 month.

3 PRESIDENT CARTER: Very good.

4 Ms. Suarez.

5 BOARD MEMBER SUAREZ: Quick question regarding
6 this. Was there litigation related to the CEQA -- one
7 of the CEQA documents with this project?

8 MR. REINHARDT: Ric Reinhardt, MBK Engineers.

9 Yes, there was litigation on the original CEQA
10 document. That was -- there was a settlement that was
11 reached with the Garden Highway Community Association,
12 and we are working in compliance with the agreement,
13 the provisions of that settlement agreement.

14 Our supplemental EIR was certified, I believe
15 it was January 29th. And the 30-day period expires
16 here -- I don't know the exact date that it -- when it
17 expires, but I'm not aware of any challenge to the
18 supplemental EIR.

19 BOARD MEMBER SUAREZ: And would waiting for
20 the final clearance on the supplemental affect our
21 ability to make CEQA findings next month?

22 MR. REINHARDT: I'm sorry, waiting on what?

23 BOARD MEMBER SUAREZ: On the final
24 supplemental, affect our ability to make CEQA findings
25 next month?

1 DEPUTY ATTORNEY GENERAL CAHILL: No.

2 MR. REINHARDT: The SAFCA board has adopted --
3 has certified the CEQA document and adopted the
4 mitigation and -- I forget the exact term -- mitigation
5 monitoring plan?

6 PRESIDENT CARTER: Any other questions?

7 So the staff recommendation is to not take
8 action and allow the Corps and SAFCA to enter into a
9 two-party MOU. What's the pleasure of the Board?

10 BOARD MEMBER SUAREZ: I want to take action.
11 No, kidding.

12 (Laughter)

13 BOARD MEMBER BROWN: I'm all right with that,
14 Mr. Chairman.

15 PRESIDENT CARTER: Okay.

16 VICE-PRESIDENT HODGKINS: I am as well.

17 PRESIDENT CARTER: No objections?

18 SECRETARY DOHERTY: No objections.

19 PRESIDENT CARTER: Okay. Very good. That's
20 what we'll do. Thank you very much.

21 MR. REINHARDT: Thank you.

22 PRESIDENT CARTER: All right. Ladies and
23 gentlemen, we're on to Item 11, acquisition of flood
24 protection easements in the City of West Sacramento
25 Triangle area.

1 This is to consider approval of Resolution
2 0902 requesting the DWR Real Estate Branch to acquire
3 flood control easements, easement rights in the City of
4 West Sacramento Triangle area from underlying owners
5 and transfer those rights to the Sacramento-San Joaquin
6 Drainage District.

7 Mr. Butler.

8 SENIOR ENGINEER BUTLER: Thank you, President
9 Carter.

10 We're bringing back to you today an item that
11 you heard in an earlier 2008 informational briefing
12 that was given by one of the city engineers, City of
13 West Sacramento engineers at the time.

14 And I want to, just before I go into my
15 presentation, acknowledge that this has been a very
16 collaborative and I believe successful process of
17 getting a situation that didn't seem to have a
18 resolution to a point today where I believe, with your
19 approval, we will not only have a better means to
20 protect the safety of the flood control project but we
21 will also be able to even consider and act upon future
22 proposals that may be brought forth to us to allow for
23 development behind the flood control system in the City
24 of West Sacramento's Triangle area and also will allow
25 us to consider any future improvements such as getting

1 the system up to 200-year protection in that area.

2 We've worked for at least a good year and a
3 half to two years with the representatives of the City
4 of West Sacramento, Reclamation District 900, the local
5 landowners in the area, and the Corps of Engineers to
6 get to a point where we believe we have a workable
7 solution. And that's what my presentation is going to
8 talk about.

9 So I did want to acknowledge there's several
10 people here today representing those interests that I
11 just mentioned, and I want to thank their participation
12 throughout this process.

13 The purpose of our briefing today is, we want
14 to illustrate what those challenges were associated
15 with the unknown location of the current project levee
16 in what's called the Triangle area of the City of West
17 Sacramento.

18 We want to go through the methodology that we
19 used to come up with a new jurisdictional levee, and,
20 we wanted to talk about the relationship between the
21 proposed location of our jurisdiction and the future
22 improvements.

23 And then we wanted to get some direction from
24 you today via resolution that would allow DWR's real
25 estate staff to acquire easements in the name of the

1 Sacramento-San Joaquin Drainage District.

2 So here we have an aerial map of the City of
3 West Sacramento in the kind of lightly pink shaded
4 area, Sacramento River running down the eastern
5 boundary. And the Triangle area is this darker pink
6 shaded area bounded by US 50, the former state highway
7 275, and the river.

8 And the local maintaining agency in this area
9 is District 900 which I believe I mentioned there, but
10 they participated in the process as well.

11 Again, just another current aerial view.
12 Here's the Tower Bridge. This is the Pioneer Bridge.
13 The river's flowing from north to south, and generally
14 this is the Triangle right through here, with Raley
15 Field the most recent new feature in the area.

16 Generally, the areas above the base flood
17 elevation, there's high ground in this area. We don't
18 have a traditional trapezoidal levee prism that we can
19 go out and view and say yes, here's the crown, here's
20 the waterside toe, here's the landside toe.

21 This high ground is not natural high ground.
22 There are records when the project was incorporated
23 into the system in the early 1900s that there may have
24 been a levee there at some point; but over time in the
25 early 1900s, the river was dredged and the spoiled

1 dredging materials were placed here.

2 So this land has been built up. And as you go
3 out there today, this looks like high bank and kind of
4 a nice sloping profile going to the west.

5 It's generally all above the base flood
6 elevation.

7 And these are just some typical
8 cross-sections. This is a typical cross-section of a
9 standard project levee in the system with landside,
10 levee road, waterside. And in the area, a typical '57
11 design floodplain might be in the 29 to 29 and a half
12 feet elevation.

13 The Triangle area looks more like this. There
14 is the river. There is a large bank. And then there's
15 just a large, almost flat but slightly sloping back to
16 the west on the landside, surface.

17 The original land elevation is estimated to be
18 about the 21-foot level in this area.

19 Now, again, I mentioned, there is no real
20 clear indicators as to where is the levee that we're
21 used to seeing.

22 The project was authorized in 1917. There
23 were no easements acquired for the project in this
24 area, so we can't go back to legal documents and say at
25 the time the easements were issued where was the levee

1 toe?

2 There's no drawings or other records that
3 really clearly identify the levee. There is a series
4 of tiny dots in an O&M manual. But with the scale, you
5 can't really judge by those dots where the levee might
6 or might not be.

7 And then there's been a number of borings that
8 have been done out in this area to try to ascertain is
9 there a clear delineation between fill material and
10 original ground? Those were inconclusive as well.

11 So essentially, we were kind of at a catch-22
12 frustration point where we didn't know clearly where
13 our jurisdiction was so that when the City came to us
14 with a proposal for doing a Promenade project, very
15 similar to the Docks project we saw earlier this
16 morning, we didn't really know how to proceed because
17 we couldn't tell them where our jurisdiction begins and
18 ends.

19 And thus this process began of where we were
20 coming to a recommendation on how to reestablish our
21 jurisdiction.

22 Again, future development by the City and
23 landowners will likely require encroachment permits.
24 And the lack of easements, no physical location, we're
25 unable to determine our jurisdiction.

1 They -- and the City and the landowners, they
2 don't know what the ask for. They're ready to start
3 some development. We need to be able to respond to
4 that.

5 And again, I mentioned the cooperative nature
6 of the process. We had an informational briefing back
7 in March. You were very gracious in giving us feedback
8 which allowed us to have some confidence that the
9 methodology that we were in the process of developing
10 was appropriate.

11 And so we've taken your feedback, and over the
12 last eight to ten months we've got to where we are
13 finally ready to bring it before you for a decision.

14 So we propose -- some people call it a virtual
15 levee, virtual jurisdiction. We're imagining a virtual
16 levee buried within the high ground. We're trying to
17 assure that it provides a clear location of the project
18 levee for the locals, for the state, and for the Corps
19 of Engineers.

20 And we want to record this location -- and
21 it's something called a building setback line -- so
22 that we can develop an undisputed Board jurisdiction by
23 conveying easements to the Drainage District.

24 I mentioned before there are no current
25 easements, and we want to develop easements.

1 So the criteria for developing the setback
2 line is the 3-to-1 waterside slope, and we have located
3 that slope wholly within the existing bank. So this --
4 if you were to project that slope along the bank out in
5 the Triangle area, it wouldn't daylight anywhere.

6 So we're already accounting for any erosion of
7 what might have been the original levee and bank up to
8 this point in time.

9 So we're taking a conservative approach in
10 establishing the waterside. There's a 20-foot top
11 width. The top of the levee elevation, it equals
12 today's current actual ground which is about a foot and
13 a half higher than the 1957 design profile for this
14 reach.

15 Then there's a 2-to-1 landside slope, and that
16 goes down to estimated native grade which is 21 feet.
17 And that estimated grade, if I recall, was based on
18 earlier drawings -- Scott, help me here. I can't
19 remember exactly where those drawings -- was it debris
20 commission drawings?

21 MR. NAGY: California Commission.

22 SENIOR ENGINEER BUTLER: Thank you. This is
23 Eric Nagy from HDR who has been one of the engineers
24 representing the City on the project.

25 So that's how we come to know that -- we said

1 we'll estimate 21 feet as original ground, and then a
2 10-foot virtual inspection road off the toe.

3 So this is a picture of what I just went
4 through. You see the current existing ground profile,
5 and then we're placing this waterside slope, a 20-foot
6 crown, a 2-to-1 slope down to original estimated
7 ground, and then a 10-foot setback.

8 And at the landward terminus of that 10-foot
9 setback, there is this proposed easement line or
10 building setback line, as some of us call it. And
11 that's where we want to establish the conclusive Board
12 jurisdiction break point.

13 So that's how we got to that. And I think we
14 went through these drawings in a bit more detail back
15 in our -- in the City's presentation to you last April.

16 BOARD MEMBER SUAREZ: Mr. Butler?

17 SENIOR ENGINEER BUTLER: Yes ma'am.

18 BOARD MEMBER SUAREZ: If I can interrupt you
19 for a second. I still can't get over the virtual levee
20 concept. We actually have authority to create a
21 virtual levee?

22 DEPUTY ATTORNEY GENERAL CAHILL: I think so.
23 You want a way to define your jurisdiction, and you
24 want to make sure you have the protection that you
25 would have from a standard levee.

1 And this is a voluntary -- we might not have
2 had the jurisdiction to insist that the landowners give
3 us these easements; but if they're willingly giving us
4 the easements, it's a good solution for everybody.

5 BOARD MEMBER SUAREZ: Think of it as a
6 contractual compromise.

7 DEPUTY ATTORNEY GENERAL CAHILL: Yes. Yes.
8 It gives them certainty, gives us certainty, and both
9 sides are in agreement with the approach.

10 And so I can't think of a reason we couldn't
11 do it. And what the Board's action would be, and DWR's
12 action would be, to accept these easements.

13 BOARD MEMBER SUAREZ: Because in the past,
14 it's been by statute that we've had authority. I mean
15 statutes have defined what these levees are.

16 SUPERVISING ENGINEER FUA: Yes.

17 I might want to add, too, that Tier 1
18 regulations addresses that. That the Board has the --
19 will have the authority to define what the levees, or,
20 you know, presume and where the levee is located, our
21 setbacks --

22 BOARD MEMBER SUAREZ: But that's -- number
23 one, regulation assumes that we have statutory
24 authority; number two, those are not in effect yet.

25 SUPERVISING ENGINEER FUA: That is correct.

1 But that's the purpose of Tier 1 additional
2 regulations, to be able to do this.

3 BOARD MEMBER RIE: Mr. Carter, I have the same
4 question, and I think it would have been helpful to put
5 some findings in the staff report that basically says
6 these easements are necessary for flood control
7 purposes.

8 I think what it says is for purposes of
9 clearing title.

10 So I think we need to probably make the
11 findings that these easements are necessary for flood
12 control purposes today. Does that help?

13 BOARD MEMBER SUAREZ: Yes.

14 SENIOR ENGINEER BUTLER: May I suggest we
15 review the resolution and determine whether the intent
16 of your statements is included in the resolution or
17 not? Because that's actually the --

18 BOARD MEMBER RIE: I don't think it is.

19 PRESIDENT CARTER: Do -- how about if we just
20 go ahead and continue with the rest of your
21 presentation. We'll get to the resolution.

22 SENIOR ENGINEER BUTLER: Okay.

23 But the question that Ms. Suarez raises was
24 important to us to address, and that's why, about last
25 May, once we got to the decision of where we really

1 wanted to place this line, the red line -- you know, we
2 were all in agreement with the concept of the prism and
3 the virtual levee.

4 We went to the Corps, and we raised the issue
5 with both their geotechnical people and their flood
6 operations people and said do you guys have any
7 problems with this for purposes of either of your
8 responsibilities?

9 From a geotechnical -- you know, does it meet
10 the intent of how you might have designed a project in
11 this area, and also is it consistent with your
12 operations and flood fighting missions?

13 And they both came back to us with some
14 additional -- I'll go through that -- but ultimately we
15 have -- they're on board with this idea as well.

16 So again, the question of do we have
17 authority: It's a voluntary agreement between
18 everybody and the -- our federal partner is a part of
19 that.

20 DEPUTY ATTORNEY GENERAL CAHILL: I think the
21 authority comes from the fact that this was approved as
22 part of the project. That the project does include
23 this area, but the levee wasn't specifically defined in
24 that approval. And so what we're trying to do now is
25 define the levee or the project in the area.

1 EXECUTIVE OFFICER PUNIA: I want to make a
2 comment. One time there was a levee until this back
3 area got backfilled, and we were not able to identify
4 and pinpoint the position of the levee.

5 So we have the jurisdiction over the existing
6 levee which was there -- which we cannot pinpoint where
7 it is now.

8 SENIOR ENGINEER BUTLER: Yeah, and to the best
9 of our abilities in doing technical research, we've not
10 been able to determine anything conclusive about the
11 location or timing -- the location of that original
12 levee or the timing of when the spoil materials were
13 placed. Other than that it all happened between 1900
14 and probably 1925.

15 BOARD MEMBER BROWN: Eric, the purpose of the
16 easement is just to gain access for maintenance,
17 presumably on the waterside of the levee, is it not?

18 SENIOR ENGINEER BUTLER: That is one purpose,
19 yes. But it is my understanding that -- the easement
20 also clearly -- we know when we -- where we have an
21 easement, that on the waterside of that easement the
22 Board has clear jurisdiction. And any encroachments
23 into that easement would only be done through an
24 encroachment permit.

25 So for instance, if the City were to place

1 recreational improvements along the waterside, they
2 would need an encroachment permit.

3 And then anything beyond on the landward side
4 of that easement, which in this case we're calling
5 building setback line, may be subject to Board
6 jurisdiction, depending upon are they doing excavations
7 into the subsurface.

8 You know, do we have geotechnical concerns
9 where we want to extend our jurisdiction? It's similar
10 to the issue that we raised in the City of Sacramento's
11 decision this morning where future development adjacent
12 to the promenade may require our issuance of permits
13 depending upon the design of the structures that would
14 be built.

15 So without a clear delineation of where our
16 jurisdiction definitely begins and ends, we don't have
17 any ability to evaluate projects that may come to us
18 for purposes of determining whether or not we need an
19 encroachment permit and, if so, what conditions might
20 we want to place on those permits.

21 BOARD MEMBER BROWN: Well, it just kind of
22 begs the question why we need that additional 38 feet,
23 or do we even want it?

24 SENIOR ENGINEER BUTLER: Sure.

25 BOARD MEMBER BROWN: And why -- what could

1 happen in that 38 feet from the -- from where you have
2 the --

3 SENIOR ENGINEER BUTLER: So you're referring
4 to the difference between the 58 foot setback of the
5 easement to the waterside crown versus the 20 foot?

6 BOARD MEMBER BROWN: I'm talking about that
7 distance right there.

8 SENIOR ENGINEER BUTLER: Yes.

9 BOARD MEMBER BROWN: Why do we want to have
10 responsibility there, or why do we need responsibility?

11 SENIOR ENGINEER BUTLER: The Board had
12 concerns -- if we're going to establish a levee
13 prism --

14 BOARD MEMBER BROWN: I understand that.

15 SENIOR ENGINEER BUTLER: -- we need to be able
16 to flood fight this landward slope.

17 So this allows us to excavate down to this
18 slope if we determine we would need to do that in some
19 future flood fight action.

20 So we don't want to allow buildings to -- or
21 improvements to be made out here that would prohibit us
22 from excavation down to expose this slope because we
23 are -- by establishing this virtual levee, we also are
24 establishing a landward slope and landward toe.

25 BOARD MEMBER BROWN: What do you think?

1 BOARD MEMBER RIE: Question. Do we need to
2 have this full easement for flood control purposes?
3 Because if the answer is maybe or the answer is no, I
4 don't think we can acquire the property.

5 We have to make findings that these easements
6 are necessary for flood control purposes. So are
7 these -- is the full easement necessary?

8 SENIOR ENGINEER BUTLER: I believe it was our
9 determination as Board staff that we would want to have
10 the ability to get into this area if necessary in the
11 future. Thus, the easement was established 10 feet off
12 the virtual levee toe, so Board staff felt -- my answer
13 would be yes, we feel it is necessary for flood control
14 purposes.

15 BOARD MEMBER RIE: Okay. Thank you.

16 BOARD MEMBER BROWN: That's what I'm
17 questioning, is the need to do that.

18 BOARD MEMBER RIE: There has to be a need, or
19 we can't acquire the property.

20 BOARD MEMBER BROWN: I'm trying to figure out
21 what it would be.

22 PRESIDENT CARTER: Let's go ahead and move on.

23 SENIOR ENGINEER BUTLER: All right.

24 In addition, we wanted the solution -- we,
25 collectively, being the participants involved in the

1 process -- wanted any solution of this easement to
2 support future actions that would improve the flood
3 control system in this area to 200-year level
4 protection.

5 And we estimated that the levee would need to
6 be raised approximately a foot and a half to get to
7 that level of protection with sufficient freeboard.

8 And the following maps -- the Corps was also
9 insistent that they wanted us to do an evaluation of
10 whether or not we could do this within that easement
11 line, and I believe HDR went through the efforts of
12 doing that analysis on behalf of the group to respond
13 to the Corps' inquiry. So the next six or so slides
14 give you a view of these lines.

15 Now what we're looking here, just to orient
16 you, this would be the downstream end of the project
17 and the slides go in an upstream direction up to the
18 Tower Bridge.

19 So here's our red line projected along the
20 ground. And HDR, at the request of the Corps, computed
21 that the easement would only need to be set back to
22 this blue line. Here's the river.

23 The easement would only be -- need to set back
24 to this blue line to accommodate a 200-year water
25 surface capability of protection by the flood control

1 system.

2 So this shows -- and as I just kind of scroll
3 through here, we're moving upriver -- you can see that
4 what we can conclude from this -- this is the Tower
5 Bridge -- is that our building setback line, our red
6 line, conservatively incorporates a blue line which
7 covers the 200-year water surface.

8 So by this analysis, the Corps was able to say
9 yes, what you're doing would allow future improvements
10 to the project, be it done by the City of West
11 Sacramento or be it done through the Corps, that would
12 allow this. We wouldn't constrain the system and have
13 to come back and move this again. We could improve the
14 system to 200-year down the road.

15 And that was, I think, the key analysis by the
16 Corps' staff to conclusively get them to buy into the
17 idea.

18 So again, what have we done to date?

19 We had feedback from you in March. West
20 Sacramento and HDR ran additional scenarios for the
21 Corps. I mentioned the Corps' ops and readiness
22 branches and engineering branches buying off on the
23 flood operations and the geotechnical review.

24 They looked at all the records that we had for
25 borings, and they agreed that yes, that gave us no

1 indication of where an original levee might have been.

2 And then the next thing we did was we said,
3 okay, this is what we want to do; how do we legally
4 accomplish this process?

5 And so we met with DWR's Real Estate Branch
6 and the City and the landowners also conclusively
7 determined that they were willing to offer, dedicate
8 these easements to the State.

9 And so we met with the DWR Real Estate
10 Branch -- I'm jumping ahead here.

11 We don't need a local agency endorsement
12 because we're not actually doing a permit at this
13 point.

14 I want to -- let me hold the thought of the
15 Real Estate Branch. But we met with the Real Estate
16 Branch, and the Real Estate Branch said you need to
17 direct us to do something. Your Board needs to tell us
18 to do a project for you.

19 And in their minds, the project is doing the
20 research and necessary real estate transactions to
21 produce the easements. They'll obtain the easements on
22 behalf of the Board.

23 And if you authorize them to do that work,
24 they'll start their project, and your authorization
25 includes your ultimate acceptance of those easements so

1 we won't have to come back to you later to ask you to
2 accept the easements. If you make the decision to do
3 this today, your authorization includes that
4 acceptance.

5 So RD 900, they've been part of the process.
6 I'm putting this up here. I want to say we don't need
7 their official endorsement as we would for an
8 encroachment permit.

9 And then we felt like -- we asked the
10 question: Do we need to look at CEQA for this? Is
11 what we're doing here a project that would fall under
12 the guidelines of CEQA? Is it exempt? Or is it even a
13 project?

14 And we felt like, okay, it is a project. But
15 we will make a determination that it's exempt -- and
16 I've referenced the guidelines -- because there is a
17 general rule that CEQA only applies to projects which
18 have the potential for causing a significant effect on
19 the environment.

20 Our project is not to put shovel to soil and
21 build anything. Our project is to just secure
22 easements for the drainage district at that time.

23 And it goes on to say that if there's
24 certainty that there's no possibility that this project
25 may have a significant effect on the environment that

1 it's not subject to CEQA.

2 So Ginny and I have discussed this and
3 concluded that we can go ahead and do a Notice of
4 Exemption for this project and that we're not -- as I
5 said, we're not going to rebuild the levee by getting
6 the easement.

7 Now there may be future projects down the
8 road -- future development, residential, commercial,
9 recreation or flood control -- for each of those
10 projects, some of which may require an encroachment
11 permit.

12 They'll need to be evaluated on a
13 project-by-project basis at that time to determine
14 their environmental impacts.

15 So we need an action. And this proposal we
16 put forth before you via a resolution, it will allow
17 the State to acquire flood control easements for the
18 Sacramento River Flood Control Project in the Triangle
19 high ground area.

20 And the new easements will give the landowners
21 and the City certainty as to the landward extent of our
22 project.

23 And so our recommendation is for you to
24 approve the resolution, to find it exempt from CEQA,
25 and to request the Real Estate Branch to acquire all

1 necessary real property rights to clear title for the
2 project in the City by acquiring all necessary
3 easements through dedication or for nominal
4 compensation.

5 And at this point, I want to ask Scott to come
6 up because we have -- you have a copy of the resolution
7 in your packet. We are proposing that we add one more
8 whereas statement.

9 So Scott, would you like to present that, and
10 then we can -- at that point, that would conclude my
11 presentation, and we can discuss how we want to address
12 Ms. Rie's concerns about making sure that we're doing
13 this because there is a need for the flood control
14 project.

15 So Scott Shapiro, be my guest.

16 MR. SHAPIRO: President Carter, Members of the
17 Board, Scott Shapiro. Co-program manager of West
18 Sacramento Area Flood Control Agency Levee Improvement
19 Project.

20 With permission, before I get to the revised
21 whereas, since we're the local agency that brought this
22 proposal to staff and the Board, I'd like to make few
23 comments on some of the material you've heard. This
24 won't be long.

25 Is that acceptable?

1 PRESIDENT CARTER: Yes.

2 MR. SHAPIRO: Thank you.

3 I do want to start by appreciating your
4 staff's efforts. This project, if you go back all the
5 way, has been running for six or seven years. The City
6 of West Sacramento has been trying to figure out how to
7 deal with this issue that long.

8 And really, about a year and a half ago, we
9 came up with this new concept and brought it forward,
10 and your staff has been fantastic to work with. And it
11 has been as collaborative as Eric says, so we very much
12 appreciate that effort.

13 This is a particularly appropriate time to
14 handle this issue in light of your approval of the
15 Docks issue this morning, and it seems like this
16 addresses much of the concern in that project.

17 Here you would have an easement, which you
18 don't have on the Sacramento side. We've been
19 working -- we with SAFCA have been working with the
20 three landowners in the area and the City of West
21 Sacramento to make sure before any projects would occur
22 landward of the line that they approach the Board, they
23 talk about the project, they talk about what
24 excavations are required and work together.

25 There's even been a preliminary study done on

1 what sorts of permits might be required for different
2 kinds of excavations done in this area.

3 So to address the concern that Butch raised
4 this morning, this is exactly what we're thinking about
5 here. We've already got the thought underway, and the
6 City is making sure that anybody who'd want to come in
7 for a permit talks with the Board in advance.

8 I want to offer a clarification on what the
9 blue line was that you saw in some of the drawings.

10 The scenario that the Corps had asked was: If
11 we pretended that there was no levee here, and we
12 constructed a brand new levee and only sloped down to
13 the existing elevation, not all the way down to
14 original native ground -- they wanted to ensure that we
15 could accommodate that in the amount of space we're
16 talking about.

17 That wasn't their request that that then be
18 the line, though, of where the easement would end.
19 They wanted it to be the more conservative of the two.

20 They wanted both the blue line and the red
21 line run; and upon running it, they said great, we're
22 satisfied. Under either scenario we're okay. And we
23 the Corps recommend the red line as the appropriate
24 line.

25 So I want to make sure that you understand

1 that this is when the Corps thinks is appropriate.
2 It's not more generous; in fact, the landowners would
3 be -- would love to not have to dedicate more. But
4 they are willing to dedicate this because this it seems
5 a reasonable compromise that works for everybody.

6 Earlier I realized that one of the slides --
7 and I helped prepare some of the slides -- actually was
8 a little ambiguous. It talked about the existing
9 surface of the ground as being the '57 profile plus one
10 and a half feet, and it's actually the '57 profile plus
11 three feet of freeboard, plus one and a half feet.

12 So the existing ground is one and a half feet
13 higher than a 100-year levee would be in this range.
14 That's why we only have to add another foot and a half
15 to get up to 200-year. And that was my error for not
16 making that clear in the slide.

17 I'm not sure whether you need to find the
18 easements are necessary or not because they're being
19 offered to you; it's not condemnation. But I agree
20 with Eric's conclusion that they are necessary.

21 This will not only assure that you can do a
22 proper operation and maintenance, but it assures that
23 we dedicate the land for future levee improvements as
24 Eric talked about.

25 And so to get this to 200-year, as is required

1 by state law now, we do believe this is appropriate and
2 necessary.

3 And so with that, I'd like to talk to you
4 about a proposed change to the resolution.

5 Apropos of the discussion this morning on the
6 Docks, the City of West Sacramento intends to do a
7 river walk along this stretch. I think you've all
8 toured this area. You've seen the river walk that's
9 currently to the north of the Tower Bridge.

10 Until we met with your staff and with the
11 Corps, the concept all along was the easements would be
12 dedicated, but they would be dedicated with a
13 reservation that would reserve for the City the right
14 to actually be able to construct this river walk
15 subject to whatever encroachment permit was required.

16 So this doesn't preclude the Board from saying
17 no or prevent the Board from imposing terms for a river
18 walk, but it just lays forth the parties' intentions.

19 We had talked about that. I had worked on
20 some of this resolution and forgotten to put that in a
21 whereas was. We propose to add a whereas. If you read
22 the two together -- the one above it and the proposed
23 addition -- the one above it says:

24 The landowners and the City have offered
25 to dedicate easements to the State to

1 clarify the location of the project
2 levees.

3 We would now add:

4 Whereas the easements offered by the
5 landowners and the City include a
6 reservation for the City to later
7 construct a continuation of the City's
8 river walk and other infrastructure,
9 subject to issuance by the Board of any
10 necessary encroachment permits.

11 So we think this just lays out actually what
12 the offer is so that your staff as you work through the
13 easements understands what the offer is.

14 We apologize for this coming to the Board this
15 morning. We know you don't like last-minute changes.
16 But I did have a chance to talk about it with Mr.
17 Punia, Mr. Hester, Ms. Cahill, Mr. Butler. Also had a
18 chance to talk about it with the City, the landowners
19 and Mr. Farris's group, and we haven't heard any
20 objections.

21 So of course it's the Board's decision, but I
22 think everybody is comfortable with this proposed
23 change.

24 And with that, thank you for your time this
25 morning. We have a large team here including

1 representatives from HDR, from the City, from the
2 WSAFCA. The landowners are here. And we're happy to
3 answer any questions you might have.

4 SECRETARY DOHERTY: I have a question. And I
5 don't -- oh.

6 PRESIDENT CARTER: Let John go first.

7 SECRETARY DOHERTY: You go first.

8 BOARD MEMBER BROWN: I had a -- Scott, I'm
9 just wondering, have you thought about like a
10 nonexclusive easement to where you can come back with
11 the river walk and present it to our Board for
12 approval? Which I think is fine, but are you talking
13 about encroachment on the 38 feet that I was talking
14 about or on the total 58 feet?

15 MR. SHAPIRO: The first half of what you said
16 is absolutely right. So it will be offered as a
17 nonexclusive easement.

18 Flood control would still be the priority use,
19 but there would be other uses allowed as there is in
20 many parts of the system.

21 In terms of whether it's the 38 feet or
22 further out, that's not completely clear because the
23 project isn't completely designed yet.

24 And in fact, one of the things the designers
25 are talking about is we want the system to get to

1 200-year. It may pay to add one and a half feet of
2 fill over this entire area. Not a little triangle --
3 you know, prism -- but rather just fill the whole thing
4 up and get it all raised up so that we have maximum
5 flood protection.

6 In which case it would further confuse exactly
7 where the letter would be. But you're right, any
8 future proposal would come back as an encroachment
9 permit for you to consider.

10 BOARD MEMBER BROWN: Okay.

11 PRESIDENT CARTER: Lady Bug?

12 SECRETARY DOHERTY: You say that you're going
13 to acquire these lands for maybe a nominal fee or
14 whatever. But if you can't determine whose lands they
15 are, how can you offer them a fee?

16 MR. SHAPIRO: Oh, we know who they are. They
17 are owned by three landowners throughout this stretch
18 between the two bridges.

19 Two of those landowners are represented here
20 today. They are offering to convey them through the
21 City to you.

22 And the only reason it says nominal fee is a
23 concern by real estate, if I understand it correctly,
24 that it may be easier for you to buy them for a dollar
25 than accept them as a donation under state regulations.

1 So we're just providing an accommodation that
2 allows it to be the easier of the two.

3 SECRETARY DOHERTY: So does their property
4 line stop before you reach the edge of the river?

5 MR. SHAPIRO: Some of their property lines run
6 to the center point of the river.

7 SECRETARY DOHERTY: Oh. Because I thought
8 maybe the old dredgers perhaps were put up --

9 MR. SHAPIRO: No. There -- if you -- we have
10 tried to plot out the easements in this area. There
11 are some easements held by RD 900 that are a hundred
12 years old.

13 And as you may know, when you do meets and
14 bounds descriptions, you start at a point then you go
15 ten feet, then you go 30 feet, and then it's supposed
16 to come back down and end at the same point. That's
17 how you make sure it works.

18 And you keep getting these big open-ended
19 shapes when you do it. The descriptions don't make
20 sense.

21 So we don't know what's in this area in terms
22 of easements, but we absolutely know who owns it. And
23 the owners are willing to convey easements to you.

24 SECRETARY DOHERTY: All right.

25 PRESIDENT CARTER: Questions?

1 BOARD MEMBER RIE: Yes.

2 Question for Mr. Butler. With this proposed
3 change, the language that was added says the easements
4 offered by the landowners and the City include a
5 reservation for the City to later construct.

6 Now I'm just wondering how that fits in with
7 your argument that this easement doesn't allow any
8 construction. Now it would make sense if there were
9 improvements there that we would reserve the right for
10 the property owner to operate and maintain their
11 existing facilities, but this specifically says will
12 reserve the right for the landowner to construct, so.

13 SENIOR ENGINEER BUTLER: Subject to issuance
14 of encroachment permits.

15 BOARD MEMBER RIE: Right.

16 SENIOR ENGINEER BUTLER: And I think my
17 comment -- if I hear you correctly -- I'm saying that
18 if you take action today to authorize us to ultimately
19 get these easements, that action in and of itself does
20 not authorize construction of anything.

21 BOARD MEMBER RIE: Right. But you're
22 reserving the right for construction, which may be a
23 problem with CEQA. Because, you know, your argument
24 was there will be no construction --

25 SENIOR ENGINEER BUTLER: Okay.

1 BOARD MEMBER RIE: -- therefore we don't need
2 to do CEQA. Now we don't have any CEQA coverage.

3 I don't necessarily disagree with the idea to
4 reserve rights to the property owner, but I think
5 putting the word "construct" in an easement document is
6 problematic.

7 DEPUTY ATTORNEY GENERAL CAHILL: I think this
8 is a reservation. It doesn't indicate it will happen.
9 We don't know what would be -- well, it is a river
10 walk. But it doesn't commit anybody to doing it. It
11 just leaves open a possibility.

12 I don't think this is an activity that results
13 in construction.

14 BOARD MEMBER RIE: But don't property owners
15 always have the right to construct on their own
16 property?

17 DEPUTY ATTORNEY GENERAL CAHILL: Well, if they
18 haven't given it away by the terms of the easement.

19 BOARD MEMBER RIE: Are we anticipating to take
20 away their rights for construction?

21 DEPUTY ATTORNEY GENERAL CAHILL: No. We're
22 anticipating that they will reserve the right to
23 construct -- or to give the City the right to
24 construct a river walk like they always have had. This
25 doesn't --

1 BOARD MEMBER RIE: It just --

2 DEPUTY ATTORNEY GENERAL CAHILL: -- give them
3 anything they don't already have. It saves to them
4 something they have already.

5 BOARD MEMBER RIE: Okay.

6 DEPUTY ATTORNEY GENERAL CAHILL: But I would
7 want to make sure it's understood -- Mr. Shapiro said
8 flood control would be the priority use. And I would
9 want whatever that condition is about a future river
10 walk or a reservation to make it clear that flood
11 control is in fact the priority use.

12 BOARD MEMBER RIE: I don't think there is any
13 problem with reserving rights when you're granting an
14 easement. I'm just wondering if we're covered by CEQA
15 because we didn't do any CEQA for this.

16 DEPUTY ATTORNEY GENERAL CAHILL: I don't think
17 it's a CEQA issue. I don't think the Board is
18 proposing any construction.

19 We are defining our jurisdictional area. And
20 if landowners are keeping some rights that they already
21 have, I don't think that's a CEQA project on our part.

22 BOARD MEMBER RIE: Okay.

23 PRESIDENT CARTER: This additional language
24 kind of clouds the issue. Because if we're not -- if
25 they already have the right to construct on their

1 property, and our easement is purely then to define our
2 jurisdiction and we're not encroaching on their right
3 to construct, why do we need to have it in the
4 resolution? It just kind of clouds the issue.

5 DEPUTY ATTORNEY GENERAL CAHILL: You know,
6 we -- this just came up today, so we haven't been
7 thinking about it all.

8 I want to not end up in the situation like
9 we're in on the Calaveras River where we gave easements
10 and let landowners retain things that were problems
11 later.

12 So I'm not sure if "reservation" is the right
13 word. I do somehow want to make it clear that flood
14 control -- I mean, there could be more than one
15 easement. I mean, the idea that it's a nonexclusive
16 easement and that the landowners may also grant
17 easements to the City and that somehow we wouldn't
18 object so long as it doesn't -- they get our
19 encroachment permit, and it doesn't interfere with
20 flood control, I mean I think we need to give the real
21 estate folks some flexibility to figure out how to word
22 that.

23 PRESIDENT CARTER: I think -- if I can make a
24 proposal, I think where we're headed with this is maybe
25 recessing for lunch while we do a little bit of work on

1 this resolution.

2 Are there any other concerns about the
3 resolution that we want to ask staff to check on over
4 the lunch break.

5 BOARD MEMBER RIE: Yes.

6 PRESIDENT CARTER: Okay.

7 BOARD MEMBER RIE: Our Board can only acquire
8 easements on behalf of the Sacramento-San Joaquin
9 Drainage District. However, that's not clear.

10 So in the first whereas, I'd like to add after
11 the Central Valley board that we insert on behalf of
12 the Sacramento and San Joaquin Drainage District.

13 And any reference in the resolution where it
14 says State or State of California, we change that to
15 Drainage District. And I'd also like to add the
16 following statement:

17 Whereas the Board has determined these
18 easements are necessary for flood
19 control purposes.

20 And then in the very last paragraph:

21 Now therefore be it resolved that the
22 Board finds that the acquisition of
23 easements is a project exempt from CEQA.

24 The very last paragraph, I'd like to insert
25 after real estate branch to acquire "and accept" so we

1 would be adding the words "and accept" all necessary --
2 and instead of real property rights to clear title, I'd
3 like to delete "real property rights to clear title"
4 and insert "flood control easements for."

5 And then in the very last sentence after
6 nominal compensation, I'd like to add "in the name of
7 the Drainage District."

8 And that's it.

9 DEPUTY ATTORNEY GENERAL CAHILL: I don't think
10 I got all that. To acquire and accept, and you're
11 taking out all necessary real property rights to clear
12 title. Or you're meaning all necessary -- so property
13 rights for flood control easements?

14 BOARD MEMBER RIE: All necessary flood control
15 easements for the Sacramento River Flood Control
16 Project. So we would be deleting "real property rights
17 to clear title for."

18 And then in the very last sentence,
19 "dedication or for nominal compensation in the name of
20 the Drainage District."

21 SENIOR ENGINEER BUTLER: Miss Rie, I got
22 everything --

23 PRESIDENT CARTER: I think --

24 SENIOR ENGINEER BUTLER: -- up to now
25 therefore --

1 PRESIDENT CARTER: -- our court reporter
2 probably has that.

3 SENIOR ENGINEER BUTLER: Okay, thanks.

4 PRESIDENT CARTER: And are there any other
5 questions before we break for lunch?

6 MR. SHAPIRO: President Carter, might I offer
7 a quick comment on the reservation issue just for you
8 to think about over the lunch hour in response to your
9 comment?

10 Typically what has happened in the system
11 where there is an underlying fee landowner, the State
12 owns an easement, and then someone goes to put a
13 recreation facility on the levee, or a road, or
14 whatever, is then the State grants some sort of real
15 property interest to whoever seeks to put that on the
16 levee, often in the form of what's known as a joint use
17 agreement, if this Board approves.

18 So in this case, since we're looking at having
19 property go from the landowner and the City to the
20 State and then saying, State please reconvey to the
21 City the real property rights to put the river walk on,
22 the City and the landowners are saying we just want to
23 reserve the real property rights, and that's the basis
24 of the reservation.

25 Otherwise, there needs to be a later

1 conveyance of real property rights associated at the
2 same time with the encroachment permit.

3 And what the City wants to ensure is that
4 that -- let's just reserve it now and not have it come
5 back.

6 We're happy to look at different language to
7 assure Ms. Rie that we don't run into a CEQA problem,
8 but that's what we're seeking to accomplish here.

9 This is merely stating what the City's and
10 landowners' offer is. This isn't saying this is what
11 you want. This is saying what's been offered to you.

12 So in that context, we will look at it over
13 lunch and see if we can address your comment, President
14 Carter. But I did want you to have that extra
15 background.

16 PRESIDENT CARTER: Thank you. Any other
17 questions or comments? All right. Ladies and
18 gentlemen, let's recess for one hour. So we will be
19 back here at a quarter after 1:00.

20 DEPUTY ATTORNEY GENERAL CAHILL: President
21 Carter, when we come back, are we going to finish this
22 item and then go into the Closed Session item?

23 PRESIDENT CARTER: Yes.

24 DEPUTY ATTORNEY GENERAL CAHILL: Because if
25 people are here for other afternoon items, they might

1 need to realize -- they might take longer lunches if
2 they realize that we'll be in Closed Session.

3 PRESIDENT CARTER: That's true.

4 DEPUTY ATTORNEY GENERAL CAHILL: We'll finish
5 this, then we'll have Closed Session, then we'll go to
6 the other items.

7 PRESIDENT CARTER: I can't hazard a guess how
8 long it will take us to close Item 11, but we'll
9 reconvene at 1:15 to wrap up Item 11.

10 And then Item 12 will be introduced very
11 briefly, just announced, and then the Board will go
12 into Closed Session. So people can plan accordingly.

13 Thank you. We're in recess.

14 (Lunch recess)

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1 AFTERNOON SESSION

2 --o0o--

3 PRESIDENT CARTER: Good afternoon, ladies and
4 gentlemen. Welcome back to the Central Valley Flood
5 Protection Board meeting.

6 As you recall, we were in the middle of Item
7 number 11, acquisition of flood protection easements in
8 the City of West Sacramento Triangle area.

9 And we had gotten to the point where we were
10 considering the Resolution No. 09-02 and had suggested
11 some changes and asked staff to try and incorporate
12 those. So Mr. Butler, would you like to tell us what
13 you came up with.

14 SENIOR ENGINEER BUTLER: Okay.

15 If I may, Mr. Paul Farris from the DWR's Real
16 Estate Branch would just like to make a brief statement
17 in support of the project, and then I'll jump right
18 into the changes to the resolution.

19 BRANCH CHIEF FARRIS: Good morning, President
20 Carter, Members of the Board, Board staff members.
21 Paul Farris, Chief of the Real Estate Branch, Division
22 of Engineering.

23 I'd just like to add a few comments that this
24 is, in my opinion, a golden opportunity. I've never
25 seen an opportunity like this before the Real Estate

1 Branch in my career here at DWR.

2 I believe we've covered all of the technical
3 necessities as Eric indicated. The encroachment permit
4 would have to be filed and granted for any type of
5 construction, of the parkway or anything else in the
6 area acquired under -- the real estate acquired under
7 the Board's name.

8 The price is very good. And it establishes or
9 delineates a line that the Board is, I think, would be
10 very interested in having established.

11 PRESIDENT CARTER: Okay. Thank you. Any
12 questions? Thank you.

13 SENIOR ENGINEER BUTLER: Thank you, Paul.

14 So what we've done is we brought the original
15 document up on the computer screen, and if we need to
16 make any more changes we can do it on the fly.

17 After we're done, and assuming it's approved,
18 we'll print it out this afternoon and bring it back for
19 your signatures before the end of the day.

20 Let me show you what we have done so far. In
21 this paragraph here, we changed the word "State" to the
22 acronym "SSJDD" for the Drainage District; we've
23 referenced that acronym previously.

24 Then there is the additional whereas that
25 Mr. Shapiro has presented to us today with respect to

1 the City and the City's river walk project as he
2 drafted it.

3 And then Ms. Rie had asked for a statement
4 whereas the Board has determined these easements are
5 necessary for flood control purposes.

6 Moving down, we have again exchanged State of
7 California for SSJDD related to approval of inquiring
8 the easements.

9 And then in the "now therefore" section, it
10 now reads:

11 The Board directs the Department of
12 Water Resources, Division of
13 Engineering, Real Estate Branch to
14 acquire and accept all necessary flood
15 control easements for the Sacramento
16 River Flood Control Project in the City
17 of West Sacramento, Triangle High Ground
18 Area by acquiring all necessary
19 easements through dedication or for
20 nominal compensation in the name of the
21 Sacramento and San Joaquin Drainage
22 District consistent with the criteria
23 contained herein.

24 With the exception of -- those are all the
25 changes that have been requested so far. With the

1 exception of one in the very first paragraph, Ms. Rie
2 had requested at this point after the word "Board"
3 inserting the language: On behalf of the Sacramento
4 and San Joaquin Drainage District.

5 And Ginny, would you mind explaining the
6 concerns you have for that statement at this point?
7 I'm not totally clear that I could convey it correctly.

8 DEPUTY ATTORNEY GENERAL CAHILL: I just think
9 it's the Board that's the nonfederal sponsor.

10 BOARD MEMBER SUAREZ: It's not just that we're
11 not acting on behalf; we're asking it. Does that makes
12 sense? Are we acting as the Sacramento-San Joaquin
13 Drainage District -- because we're one and the same?

14 SENIOR ENGINEER BUTLER: I need the legal
15 experts to solve this problem.

16 MR. SHAPIRO: And Ginny, tell me if you
17 disagree but it's -- this particular sentence says that
18 you are the nonfederal sponsor. And you are.

19 And the Sacramento-San Joaquin Drainage
20 District is not the nonfederal sponsor. It's when we
21 get back down to the language about who is accepting it
22 that it needs to be the SSJDD, and that's what Eric has
23 added.

24 You certainly could say below that you are
25 acting on behalf of the SSJDD, but it wouldn't go in

1 the first sentence because that says you are the
2 nonfederal sponsor.

3 BOARD MEMBER SUAREZ: Actually, my problem
4 would be we don't act on behalf. We are them.

5 PRESIDENT CARTER: Are we --

6 BOARD MEMBER SUAREZ: We act as them.

7 PRESIDENT CARTER: The Board is the body that
8 takes the action. The land is held in the name of the
9 Sacramento-San Joaquin Drainage District.

10 BOARD MEMBER SUAREZ: But we act as them, not
11 for them. We are them.

12 PRESIDENT CARTER: So --

13 SENIOR ENGINEER BUTLER: So other than that
14 issue, Ms. Rie, we've had laid out all the other
15 corrections that you had requested in addition to
16 Mr. Shapiro's additional whereas statement.

17 And I had gone through all those. They're in
18 as you gave me your drafts.

19 BOARD MEMBER RIE: Are you going to give us
20 copies of the resolution?

21 SENIOR ENGINEER BUTLER: My intent is that if
22 we choose to approve this, I will clean it up, take it
23 across the street, print it out, bring it back for
24 Mr. Carter's and Ms. Doherty's signatures. And I can
25 make several copies at that time.

1 BOARD MEMBER RIE: Can you go back to the
2 beginning?

3 SENIOR ENGINEER BUTLER: Uh-huh.

4 PRESIDENT CARTER: So the changes are in red
5 and outlined, or red and a line-out so.

6 SENIOR ENGINEER BUTLER: But here's like the
7 first example of a change. And the discussion you
8 walked in on was the question of whether or not it's
9 appropriate to use the term drainage district in the
10 first whereas.

11 BOARD MEMBER RIE: Okay. Thank you.

12 SENIOR ENGINEER BUTLER: And I think that's --
13 ultimately, the legal powers in the room need to agree
14 as to whether it is right or not.

15 PRESIDENT CARTER: Okay. So what's the
16 Board's pleasure here?

17 BOARD MEMBER RIE: What are the other changes?

18 SENIOR ENGINEER BUTLER: Okay.

19 The change of the word State to the acronym
20 for the drainage district.

21 The whereas statement about the City's river
22 walk, the reservation for the river walk.

23 Your insertion that we determine these
24 easements are necessary for flood control purposes.

25 Again, the insertion of the term or

1 replacement of the State with district.

2 And in the now therefore, the Board directs
3 DWR real estate to acquire and accept as necessary --
4 or all necessary flood control easements for the
5 Sacramento River Flood Control Project in the City of
6 West Sacramento Triangle High Ground area by acquiring
7 all necessary easements through dedication or for
8 nominal compensation in the name of the Sacramento-San
9 Joaquin Drainage District consistent with the criteria
10 contained herein. As you proposed.

11 BOARD MEMBER RIE: Okay.

12 SENIOR ENGINEER BUTLER: To return to --

13 PRESIDENT CARTER: Could you scroll back up,
14 Eric, please. Just about -- just the bottom of the --
15 next, please.

16 SENIOR ENGINEER BUTLER: In here?

17 PRESIDENT CARTER: So that's not an underline.
18 That's some --

19 SENIOR ENGINEER BUTLER: That's Microsoft Word
20 thinking there is grammatical issues.

21 PRESIDENT CARTER: Okay, ladies and gentlemen.

22 BOARD MEMBER BROWN: Mr. Chairman, I make a
23 motion that we adopt Resolution 09-02 as amended as
24 shown.

25 PRESIDENT CARTER: Okay. We have a motion to

1 adopt the resolution. Is there a second?

2 VICE-PRESIDENT HODGKINS: I'll second.

3 PRESIDENT CARTER: Second. Any further
4 discussion? Okay. Mr. Punia, would you call the roll
5 please?

6 EXECUTIVE OFFICER PUNIA: Board Member John
7 Brown?

8 BOARD MEMBER BROWN: Aye.

9 EXECUTIVE OFFICER PUNIA: Board Member Lady
10 Bug?

11 SECRETARY DOHERTY: Aye.

12 EXECUTIVE OFFICER PUNIA: Board Member Emma
13 Suarez?

14 BOARD MEMBER SUAREZ: Aye.

15 EXECUTIVE OFFICER PUNIA: Board Member Butch
16 Hodgkins?

17 VICE-PRESIDENT HODGKINS: Aye.

18 EXECUTIVE OFFICER PUNIA: Board Member Teri
19 Rie?

20 BOARD MEMBER RIE: Aye.

21 EXECUTIVE OFFICER PUNIA: Board President Ben
22 Carter?

23 PRESIDENT CARTER: Aye. So the motion carries
24 unanimously. Very good. Thank you very much. Okay.

25 Ladies and gentlemen, now we're moving on to

1 Item 12. This is a Cache Creek critical erosion site,
2 levee mile 3.9 left bank and levee mile 4.2 left bank,
3 north levee setback project, eminent domain for
4 easements.

5 This project, as you recall, has considered
6 the acquisition of property for these projects. The
7 properties located in Yolo County are as listed in the
8 agenda.

9 There are three parcels. Assessor parcel
10 number 027-179-39-1 in Yolo County. Parcel -- assessor
11 parcel number 027-170-02-1 in Yolo County. Finally,
12 assessor parcel number 027-160-06-1 in Yolo County.

13 At this time, we are going to recess the Open
14 Session, and the Board is going to go into Closed
15 Session to discuss pending litigation and eminent
16 domain actions for the acquisitions of the above-listed
17 properties pursuant to Government Code Section 11126
18 (e)(1) and (e)(2)(c)(i), and also confer with and give
19 instructions to the Board's real estate negotiator
20 pursuant to Government Code 11126 (c)(7) with regard to
21 the above-referenced properties.

22 So without further ado, if we can ask everyone
23 to excuse themselves, and we will be going to guess
24 approximately 30 minutes. Thank you.

25

1 (Whereupon, the Open Session of the
2 CENTRAL VALLEY FLOOD PROTECTION BOARD
3 public meeting was recessed to Closed
4 Session which was transcribed, numbered
5 and bound separately.)

6 --o0o--

7 PRESIDENT CARTER: Ladies and gentlemen, if I
8 could ask you to take your seats. As agendaized, the
9 Board did meet in Closed Session regarding Cache Creek
10 critical erosion sites and setback project for eminent
11 domain for levee easements.

12 The Board took no action during the Closed
13 Session. However, we did get a briefing and consulted
14 with our real estate negotiators and are satisfied with
15 the process that they are pursuing.

16 And we just want to make an announcement that
17 the resolutions that we approved last month, the
18 Resolutions of Necessity, those are resolutions number
19 09-03, 09-04, and 09-05, are in effect and our
20 negotiators and the Attorney General's office are
21 authorized to go ahead and proceed with the eminent
22 domain process as outlined.

23 So that concludes Item 12. Any other comments
24 from any of the Board Members? Okay.

25 We'll move on to Item 13, Board Sponsored

1 Project Study Agreement.

2 This is the West Sacramento Project, Consider
3 Resolution 08-21. This is to approve a Feasibility
4 Cost Share Agreement and a Local Feasibility Cost Share
5 Agreement. Mr. Punia.

6 EXECUTIVE OFFICER PUNIA: Jay Punia, Executive
7 Officer for the Central Valley Flood Protection Board.

8 I just want to inform the Board that the
9 budget letter issued by the Department of Finance on
10 December 18th requesting all agencies to cease
11 authorizing any new grants or obligations for bond
12 projects, including new phases of existing projects, is
13 still in effect.

14 So we as the staff are requesting that you
15 defer hearing this project until this issue is
16 resolved. So as staff, I'm requesting that this item
17 shouldn't be heard today because the Board cannot take
18 action based upon the Department of Finance
19 December 18th letter.

20 PRESIDENT CARTER: And counsel agrees?

21 DEPUTY ATTORNEY GENERAL CAHILL: Yes.

22 PRESIDENT CARTER: Okay. Very good.

23 We do have one member of the public that would
24 like to address the Board. Mr. Bessette.

25 MR. BESSETTE: Good afternoon, President

1 Carter. Members of the Board. Michael Bessette, City
2 of West Sacramento.

3 I just wanted to make a brief statement. We
4 understand the economic climate that the State is under
5 currently, and we have closely coordinated with DWR
6 staff and the Army Corps, and WSAFCA is prepared to
7 move the GRR process forward by entering into a
8 two-party FCSA with the Corps with the understanding
9 that the State will participate in the future once the
10 economic climate has resolved itself.

11 So we just wanted to make the Board aware that
12 that's the way we're going to proceed, and we have
13 closely coordinated with everybody involved. So we
14 feel that's the way to go to keep the process moving
15 forward.

16 We've finally gotten to this point in time
17 where the GRR can actually begin in maybe a month or
18 so, and we didn't want to delay it any further. So we
19 wanted to take that action, but we wanted to present
20 that to the Board and maybe receive comments.

21 We think we're definitely in agreement with
22 everybody we've consulted with the State and the Corps,
23 so we just wanted to run that by you for your
24 consideration.

25 PRESIDENT CARTER: Okay. And let there be no

1 doubt -- I mean this is not the course that the Board
2 would want to take. It's just a result of the current
3 financial status of the State, and our hands are tied
4 in this particular matter at this time. And we hope
5 those conditions improve quickly.

6 MR. BESSETTE: Sure. We certainly understand
7 that. We think we can help move the process forward.

8 PRESIDENT CARTER: Very good.

9 Any other questions or comments?

10 EXECUTIVE OFFICER PUNIA: The Board staff has
11 consulted DWR and the local sponsors, and they are
12 supporting this approach to keep the project moving.

13 PRESIDENT CARTER: Okay.

14 MR. BESSETTE: Thank you.

15 PRESIDENT CARTER: Thank you. So we will move
16 on then. Informational Briefings, Urban and Nonurban
17 Levee Evaluations. Mr. Inamine. Good afternoon.

18 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
19 INAMINE: Good afternoon, President Carter, Members of
20 the Board. Mike Inamine, California Department of
21 Water Resources, Division of Flood Management.

22 I'll be presenting an overview of the Levee
23 Evaluations Program. We'll start off with a little bit
24 of background on FloodSAFE. I'll not get into it. I
25 think it's important to remember throughout this

1 presentation that -- and what I'll get to at the end of
2 this presentation is that levee evaluations is really a
3 program that serves many programs, including this Board
4 itself, in terms of technical review.

5 So I'll present this in the context of
6 FloodSAFE and the overarching flood management
7 activities that are taking place throughout the
8 California and Central Valley in particular.

9 BOARD MEMBER RIE: Excuse me. Do you have a
10 copy of your presentation?

11 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
12 INAMINE: I don't have a hard copy with me. I could
13 certainly make that available.

14 Just to reinforce -- I know you've seen this
15 presentation before -- just to reinforce some of the
16 goals of FloodSAFE: Reduce chance of flooding, reduce
17 consequences of flooding, sustain economic growth,
18 protect and enhance ecosystems, promote sustainability.

19 As you know, since levees are an important
20 part of flood protection in California, it has impacts
21 for all of those goals.

22 There are really four activities that comprise
23 FloodSAFE. It's a statewide program, four major
24 activities: Improving emergency response, improving
25 flood management systems, improving operation and

1 maintenance, informing and assisting public.

2 Funded primarily by Props 1E and 84, about \$5
3 billion, approximately 3 billion that are focused in
4 the Central Valley and the Delta.

5 It's about a ten-year effort. Levee
6 evaluations really is a big part of the green ball on
7 the right-hand side of this graphic, and it's a large
8 part of a number of planning activities, in particular
9 throughout the Central Valley.

10 Now there are a number of documents, and
11 activities are taking place right now that are in
12 progress or planned. FloodSAFE strategic plan, draft
13 strategic plan was presented to this Board earlier.

14 The FloodSAFE implementation plan is which is
15 being worked on right now.

16 Two policy documents, the California Water
17 Plan and statewide flood plan management planning.

18 Really the big focus of levee evaluations is
19 the Central Valley Flood Protection Plan. That's the
20 original charge -- that was the original charge of this
21 planning activity.

22 Integrated regional water management plans and
23 to a certain extent levee evaluations also serves
24 project feasibility studies and local projects, as I'll
25 describe a little bit later.

1 The major deliverable of the Central Valley
2 Flood Protection Plan is the system-wide analysis in
3 the Central Valley.

4 The hydrologic model, reservoir operations,
5 climate change, the associated hydraulic models and
6 channels, rivers, levee systems, hydraulic structures
7 that comprise the Central Valley Flood Control System.

8 The economic models, mapping studies, economic
9 studies, and the ecosystem function models, basically
10 another way of saying what do we want the natural
11 systems to look like at the end of the day, and
12 opportunities for restoration as well as mitigation.

13 A big component of that is the focus of this
14 presentation which is the geotechnical analysis to
15 estimate levee liability for a variety of programs and
16 projects.

17 FloodSAFE can be really broken down to Central
18 Valley -- Central Valley systems and statewide systems.
19 So this is just a graphic that describes what we are
20 focusing on in levee evaluations.

21 Within the Central Valley, it's composed of
22 the Delta, Central Valley Flood Protection System.
23 There's nonproject levees and project levees.

24 We're really right in here, levee evaluations.
25 That's the way the program started. And for reasons

1 I'll describe later, we are also incorporating
2 nonproject levee systems as well. That is, levees that
3 impact the performance of the project levees within the
4 state-federal project system within the Central Valley.

5 A term of art that's been used has been the
6 State Plan of Flood Control that designates the Central
7 Valley Flood Protection System -- the state-federal
8 system, rather.

9 And the term of art is being used in strategic
10 plan, because there was some confusion associated with
11 that. And now the term of art in the Strategic Plan is
12 the State Flood System in the Central Valley. So
13 you'll see some of those terms used interchangeably.

14 Now, it is important to understand that the
15 Levee Evaluations Program is a geotechnical program.
16 It's not hydrology, hydraulics, it's not mapping. It's
17 a geotechnical program. We're just looking at the
18 levees.

19 It supports -- as I stated earlier, it
20 supports the Central Valley Flood Protection Plan and
21 local efforts.

22 When I speak of Urban Levee Evaluations, we're
23 talking about levees that protect populations of 10,000
24 people or more. The urban system is comprised of about
25 350 miles of project levees and about 120 miles of

1 nonproject levees that either impact the performance of
2 the project levees or protect those same areas that are
3 protected by those basins.

4 It makes no sense to evaluate flood risk
5 without looking at the entire ring of levees that
6 circles urban basins.

7 It's an intensive evaluation because to a
8 certain extent the risk is already there. There aren't
9 a lot of decisions to be made strategically. And
10 because of the legislation in 2006, you've pretty much
11 got to do what you got to do, so the geotechnical
12 portion, the engineering portion, is -- I'm not going
13 to say straightforward, but we know what we have to do.
14 And the stakeholders know what they have to do in order
15 to meet this 200-year flood protection mandate.

16 The Nonurban Levee Evaluations, levees that
17 protect populations of less than 10,000, that's
18 comprised of 1250 miles of state-federal project
19 nonurban levees, 400 miles of nonproject, nonurban
20 levees.

21 Again, those are levees that affect the
22 performance of the project levees or they have a
23 potential of flooding those same areas protected by
24 project levees.

25 It's a lot more strategic because there's not

1 nearly enough money to do all the evaluations that we'd
2 like to do in the nonurban system, and there is not
3 nearly enough money to fix every levee, and there's
4 lots of reasons why that's not a great idea.

5 So we're trying to do this very strategically.
6 We're not going to -- when we go through the planning
7 process, as I'll describe later, many of the decisions
8 of where to spend that money on levee evaluations are
9 not going to be made by the Department. They're going
10 to be made by stakeholders, by the locals.

11 So that's an important distinction between the
12 nonurban program and the urban program, as I'll
13 describe later.

14 There's also a third component that's become
15 important recently, and that is technical policy.
16 That's also part of the flood evaluation program --
17 I'll get into this a little bit later -- but generally
18 with regards to levee seismic policy, which has been
19 sort of a void in state practice, and interim levee
20 design criteria.

21 Very succinctly, the purpose of the Urban and
22 Nonurban Levee Evaluation programs are in support of
23 the Central Valley Flood Protection Plan and other
24 flood-management-related programs to evaluate the
25 nonurban and urban state-federal project levees,

1 including the pertinent nonproject levees, to determine
2 if they meet defined geotechnical criteria and, if
3 appropriate, identify the remedial alternatives.

4 Okay. Now there are a number of goals and
5 objectives you can -- as we have proceeded through this
6 program, beginning with the Governor's emergency
7 declaration 2006. So we're really -- two things the
8 Governor wanted out of this.

9 We were supposed to do many repairs very
10 quickly. And a lot of the visible repairs that you saw
11 early in 2006, 2005 through -- well, currently,
12 today -- were very -- were fixes basically to keep the
13 system operating as it should have been.

14 They may have not been altogether strategic
15 repairs, but they were repairs you needed to make just
16 to keep the system operating as it should be, sort of
17 keeping the plane in the air while you're fixing the
18 plane.

19 So part of the role of levee evaluations was
20 to identify hidden deficiencies. And so as we turned
21 up issues that needed to be addressed, we turned those
22 over for immediate repair. But it's largely a planning
23 effort.

24 So goal number one is to support the Central
25 Valley Flood Protection and CV/fed projects -- that's

1 the floodplain mapping project. Federal and local
2 management projects, local FEMA certification efforts,
3 and the legislative mandate of 200-year flood
4 protection by 2025.

5 We're also supporting local -- federal and
6 local flood management programs by partnering with
7 locals and the Corps in a number of projects ranging
8 from planning studies to early implementation of
9 projects to local projects.

10 An example of that would be we're giving
11 information to the Corps on their common features GRR,
12 working with West Sacramento for their project, and
13 most recently SAFCA and their Natomas Levee Improvement
14 Project.

15 So we -- another large piece of this -- it
16 doesn't seem like a large goal, but it's improving
17 geotechnical information exchange. And stuff we're
18 turning up, we're storing in warehouses in West
19 Sacramento.

20 We're buying new computers to store all of
21 this terabytes of LiDar information, and it's a very
22 large information-gathering effort, and a lot of the
23 information is in various forms, and that's become a
24 big piece of this program as well.

25 And lastly, the goal number four with -- I

1 alluded to earlier was to identify critical repairs
2 that need to be fixed right now.

3 BOARD MEMBER RIE: Question?

4 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
5 INAMINE: Yeah.

6 BOARD MEMBER RIE: On the goal number three,
7 have you finished gathering the information? And have
8 you turned over any information to the local agencies?

9 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
10 INAMINE: Yes.

11 The way that works -- actually, I have a slide
12 that shows this. But now is good a time as ever.

13 There's a -- the process is to gather the
14 information -- first of all, to do the literature
15 search, interview the locals, make sure the locals are
16 on board with the levees that we're studying,
17 particularly the nonproject levees for which we have
18 very little information.

19 Get that vetted by the locals. And we carry
20 out the data-gathering which is either the geology
21 work, the expirations and testing, and then we turn it
22 over to the locals. And that's now being made
23 available to the locals and being posted on the
24 website.

25 And these are big reports. I mean, some of

1 these reports are about like this. So we're not just,
2 you know, making available on a website. But for
3 interested parties or stakeholders, we're making that
4 data available.

5 BOARD MEMBER RIE: Are you allowing the local
6 agencies to review the data before it gets published?

7 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
8 INAMINE: Oh, yeah. Yeah. They're a big part of the
9 reviewing process on the way to completing the final
10 document.

11 BOARD MEMBER RIE: One more question. Some of
12 the locals need this information to complete their PAL
13 agreements.

14 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
15 INAMINE: Yep.

16 BOARD MEMBER RIE: Are you getting that
17 information to them in time to meet their deadlines?

18 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
19 INAMINE: Yeah. Even to the extent that we've had to
20 resequence a lot of our work plans in order to meet
21 local needs.

22 For example, you know, this budget impasse has
23 really affected some of the issues down in the Stockton
24 area. So they have a great need to take advantage of
25 the nonproject urban work that we're doing.

1 So that work was expedited in order to meet
2 their time frame, to meet their PAL requirements.

3 So it's a very -- it's a very. The
4 sequence -- the work is pretty much the same. I mean,
5 because you have to meet this 200-year mandate, and the
6 state of practice is pretty rigorous.

7 But the sequencing of the work in order to
8 meet local needs, that's what really drives a lot of
9 the process for those reasons that you state.

10 BOARD MEMBER RIE: So the Stockton folks, do
11 they have all the information they need to complete
12 their PAL requirements?

13 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
14 INAMINE: They have everything that we have.

15 BOARD MEMBER RIE: Okay.

16 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
17 INAMINE: As soon as we can make it available, as soon
18 as we can do QA-QC on those data reports, on the raw
19 data, we turn it over to them. And they see the
20 advance copies of the data as well.

21 BOARD MEMBER RIE: Okay.

22 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
23 INAMINE: I'm not -- I left off -- there's a purpose,
24 you know, classic planning. There's purpose, goals,
25 and objectives. I'm not going to go through the

1 objectives.

2 And we're having to revisit objectives.

3 Objectives are the most specific, measurable time-based
4 requirements of the program.

5 And because of the budget impasse, we pretty
6 much have slowed down to the extent of shutting down a
7 lot of the levee evaluation programs.

8 And unfortunately, as just discussed prior to
9 this presentation, just because the budget passed
10 doesn't mean that we have been given a free pass.
11 We're really -- we're really grinding to a halt, and
12 we're struggling to keep consultant teams together to
13 keep this thing going.

14 So we're having to revisit a lot of the
15 deadlines that we had set, a lot of the local support
16 issues. We have set a pretty aggressive time frame to
17 complete all the urban evaluations by 2000 and -- by
18 August 2011 and complete the nonurban program by
19 September of 2011 -- I'm sorry, 2010.

20 September 2010 is the deadline for the urban
21 evaluations. August 2011 is the deadline for the
22 nonurban evaluations.

23 There are a number of strategic and tactical
24 distinctions between urban and nonurban, but the
25 geotechnical work is pretty much the same. I mean the

1 precedents of the work is pretty much the same.

2 But because there are so many decisions
3 that -- because the nonurban program, there are a lot
4 of financial decisions, strategic decisions about what
5 you are going to investigate, what you're going to
6 protect, you know, value issues, environmental issues,
7 it's going to be a largely stakeholder-driven process.
8 It's going to go through the Central Valley Flood
9 Protection Plan.

10 So it's a much more complicated process, and
11 that's what really separates these two programs.

12 So the phasing that -- of these two programs
13 will look very different. But the hardcore
14 geotechnical engineering, it's the same stuff.

15 The way the program is organized within
16 FloodSAFE is the Levee Evaluations Program, which is
17 sort of the umbrella group, the portfolio that
18 encompasses the projects.

19 Urban Levee Evaluations are broken up
20 basically into the three metropolitan areas of the
21 Central Valley. North comprises Marysville-Yuba City.
22 Central is composed of the greater Sacramento region.
23 And the South area is composed of Stockton, Lathrop,
24 RD 17 and accompanying areas.

25 The Nonurban Levee Evaluations is basically

1 San Joaquin, Sacramento. Sacramento, north. San
2 Joaquin, south.

3 Technical policy programs right now are
4 composed of the seismic policy, which is basically a
5 research project, and an interim levee design criteria.
6 And I'll describe both of those in a little bit more
7 detail later on.

8 I mentioned that there has not been -- seismic
9 policy is kind of -- although there are forms of
10 seismic policy for geotechnical design, and the Corps
11 has some draft policy out for a seismic design, it's
12 sort of a special California issue.

13 There isn't nearly enough. I don't think
14 anybody would say there's nearly enough to make levees
15 safe from the kinds of earthquakes that California
16 commonly gets hit with.

17 So we're developing a statewide policy for
18 urban levee performance, emergency levee remediation,
19 long-term levee remediation.

20 Basically what that means is we're looking at
21 the probability of -- you know, often this issue is
22 covered by saying well, we don't need to look at the
23 earthquake because the probability of the earthquake
24 hitting when the flood hits is so small that we don't
25 have to worry about it.

1 Well, in California, we have got lots of
2 full-time levees that are -- they have water on them
3 all the time in the Delta. So the probability that you
4 will get hit with high water and earthquake is a very
5 real one.

6 And we are taking a look at what other large
7 levee systems throughout the world, and we're doing
8 this with some research agreements with UC Berkeley, UC
9 Davis, to take a look at what other earthquakes have
10 done to levee systems and what measures were taken to
11 rebuild them.

12 And we view this as really the alternative to
13 fixing levees before the earthquake. Interim levee
14 design criteria is very important right now. It's --
15 it was -- when we first started this program, it was a
16 lot of interest and a lot of questions about just what
17 was this 200-year design criteria.

18 There wasn't really -- it was not a defined
19 document that anybody could point to. So interim levee
20 design criteria is a very thin -- right now, very thin
21 document that allows locals to build projects ahead of
22 the Corps or the State and have some measure of
23 certainty and conservatism incorporated in their
24 designs that they will meet this still-developing
25 200-year criteria.

1 And you'll be hearing more about that.

2 There has already been some outreach to get
3 important stakeholders and consultants to weigh in on
4 this to see how it impacts them and how useful and
5 practical this document is. And there'll be some more
6 formal outreach in coming months to invite more public
7 comments on how this criteria affects local projects.

8 BOARD MEMBER BROWN: With your earthquake or
9 dynamic loading concerns, are you concerned with those
10 levees and the failures?

11 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
12 INAMINE: Yes.

13 BOARD MEMBER BROWN: Is that a real danger?

14 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
15 INAMINE: It is a real danger if -- certainly in the
16 Delta because they're full-time, 24/7 levees.

17 The danger, the real danger for most of the
18 Central Valley levees is that you have an earthquake
19 just prior to flood season, and the earthquake is so
20 extensive that it takes out many miles of levees that
21 you cannot get up, you cannot provide flood protection
22 behind them for the ensuing flood season that might be
23 weeks way or months away.

24 Now that's -- there is plenty of examples.
25 The reason it's not as an emergent danger as, say, a

1 flood event is because you generally have time.

2 The earthquake hits. The likelihood that it
3 hits during the flood event is very small, but you have
4 that window to take other flood management -- to do the
5 right flood management things like evacuating people,
6 like doing emergency remediation, emergency response.
7 So the risk is not the same as a flood event.

8 So there's a number of measures that you can
9 take to prevent loss of life or property. So it's
10 really two things: The short-term flood management
11 activities and remediation to repair levees to provide
12 some modicum of protection before the flood event, and
13 then the long-term, financial issues.

14 Both what are you going to do for the
15 long-term? What's going to be fixed, particularly for
16 urban areas, if you get that earthquake. And how
17 resilient are those designs that you put in place today
18 after the earthquake?

19 Are they easily fixed? Can they provide
20 long-term protection after the earthquake?

21 So there are a number of issues that have been
22 addressed by probability, but I think really for the
23 first time, at least in California, we're looking at
24 those in a very real way, very practical way to see
25 what does this mean for the financial investments we're

1 making right now in levees.

2 I'm not going to go through these maps too
3 much. This just shows the limits of the nonurban
4 project levees, the urban project levees, and the urban
5 nonproject levees.

6 What's not shown on this map is the nonurban
7 nonproject levees. About 400 miles of those fit that
8 category. I didn't want show this because we go
9 through a fairly formal vetting process with local
10 stakeholders to make sure they're good with what we're
11 doing, and so I hadn't shown this. We're going through
12 a process to make sure that we've got everything
13 covered, and this is the levees under study in the
14 south.

15 The general technical approach is pretty
16 traditional. Geotechnical engineering, we do a lot of
17 literature background research, which most important is
18 a lot of outreach with locals.

19 The old-timers who've seen the performance,
20 that's where we -- you know, that's sort of our
21 touchstone for all of our studies is what has the levee
22 done in past events.

23 Geomorphology is being done in a very
24 comprehensive and consistent way, unlike past
25 geomorphologic studies. Geomorphology is a study of

1 how land is formed, and for our purposes -- I'll show
2 an example a little bit later -- it really demonstrates
3 through the maps that we've been able to pick up from
4 historical places where the problems are.

5 We overlay these maps and show the historic
6 stream channels, greatest stream channels, and other
7 natural processes. When they're overlain on our
8 engineering drawings, it really describes pretty well
9 where the problems are, in -- historically and under
10 natural processes why they are occurring.

11 Surveying, I'll talk a little bit about this
12 later.

13 Geophysics I'll talk about.

14 Expiration testing analysis. That's where the
15 money's being spent right now. That's where the big
16 dollars is being spent. That's where we have to be
17 very careful with our investments.

18 We've got limited funds, and so we're trying
19 to do that very strategically. After we do all the
20 analysis, we identify problems, and then we come up
21 with remedial alternatives and associated costs.

22 I'm not going to go through this. This is the
23 process that we use to deliver the goods to the locals.
24 This is the data reports, and the engineering reports.
25 This is for the urban program.

1 Basically, the deliverable is a final report
2 which is the geotechnical evaluation report, and that
3 encompasses the evaluation of a given levee system and
4 the remedial alternatives and the costs.

5 It's a lot simpler diagram than what we're
6 going through for the nonurban, stakeholder-driven
7 process.

8 This is going to be much more -- it's going to
9 require a lot more local involvement. Again, we're not
10 telling people what we're doing. We need their input
11 to tell us what projects they are interested in, and
12 they are going to advise us on where our money is best
13 spent.

14 So it's a large program. It is incorporated
15 in the Central Valley Flood Protection Plan. It's a
16 big part of the Central Valley Flood Protection Plan.
17 And those workshops will be starting, assuming we get
18 bond money flowing again this summer.

19 Okay. This is an example of how, I guess, of
20 how geomorphology has really helped us out in some of
21 our work in understanding how the levee performs where
22 likely problems will occur.

23 This is a geomorphology map of the Marysville
24 ring levee, and there was an old historic stream
25 channel that runs right through town, and there's some

1 lakes, run right through town. They're still there.

2 And all of the work -- this is the ring levee systems.

3 And all of their problems have always been
4 right on the old historic stream channel. That's where
5 all the work is centered. That's where Corps is doing
6 a lot of the work this year. That's where a lot of our
7 investigations have centered.

8 And this is a simple example of why we do a
9 lot of work before we get into the ground with the more
10 expensive portions of the program.

11 You probably heard about some of the
12 geophysical work that we have been doing. This is an
13 example of -- this is a photograph of a helicopter
14 electromagnetic surveys.

15 To sort of simplify this geophysical tool, it
16 measures the conductivity of the ground to great
17 depths. And when we get that profile, we can tell
18 something about what kind of soils underlie a lot of
19 these levees.

20 And as you know, most of the issues associated
21 with failures are deep in the underseepage. So that
22 kind of tool really helps us understand levee systems.

23 We're putting holes in every thousand feet.
24 So we're trying to characterize a thousand feet of
25 levee foundation with a sample that's like this big

1 around. It tells us nothing about what's in between.
2 And this is a tool that helps us understand what's in
3 between those borings.

4 BOARD MEMBER RIE: Are there any limitations
5 to those electromagnetic helicopters?

6 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
7 INAMINE: There's all kinds of limitations.

8 If you've got a railroad nearby, you know,
9 some sort of conductive material, telephone wires, any
10 kind of conductive material, pipes or encroachments.
11 You -- it interferes with this sensor's ability to
12 measure the electrical conductivity.

13 BOARD MEMBER RIE: What about corrosive soils?

14 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
15 INAMINE: There are certain soils that are very -- not
16 so much corrosive soils. Well, salty soils, sure.
17 Those are corrosive soils.

18 There are some clays that interfere. Anything
19 that has high conductivity can often mask what's
20 underneath. It is a very complicated -- when you look
21 at the maps, and I think I have an example -- no, I
22 don't have one in here.

23 When you look at the maps, when you see these
24 profiles of what's underneath the levee, they -- you
25 know, they're in color, and they look very nice and

1 graphic. But to make sense of them really requires
2 that you have lots of borings, physical exploration
3 nearby, to calibrate these profiles with.

4 So there are a lot of -- there are a number of
5 physical issues that can often interfere with these,
6 and it take a pretty experienced geophysicist to
7 interpret the results.

8 BOARD MEMBER RIE: Have you had any locals
9 disagree with your geotechnical results because of the
10 limitations of these helicopters?

11 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
12 INAMINE: Not to date.

13 We do -- there is one, a -- there is a guy
14 actually that we've been -- we have been sending this
15 information to. But it's really -- there is a limited
16 number of people who do this stuff in the world.

17 And it's -- quite frankly, it's difficult for
18 somebody to come in and say, well, you know, unless I
19 got performance history or something, we pretty much
20 know who those experts are, the geophysicists who do
21 this kind of stuff.

22 But we haven't heard anything to refute the
23 results of this, and we're very careful because there's
24 a lot of -- because it's such a -- it's used quite
25 commonly in the mining industry and has been used on

1 levees in Texas.

2 The Corps has conducted some programs in Texas
3 and -- to great success, very good success. And one of
4 our Board Members is -- who was formerly with the Corps
5 suggested we use this. And it's really the first
6 application in California. But it has been used in
7 many other places with success in understanding
8 foundation conditions.

9 BOARD MEMBER BROWN: Since you've made the
10 borings, do you leave any piezometers behind?

11 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
12 INAMINE: We do. It is -- that's a separate program
13 within the program to place piezometers at locations of
14 interest.

15 But there is a -- and that's an issue too, to
16 make sure that, you know, long after the bond money is
17 gone away, to make sure there is a program to monitor
18 and maintain those piezometers. That's an important
19 part of the program, to verify all of the models at the
20 end of the day.

21 BOARD MEMBER BROWN: As a matter of interest,
22 why didn't you show water inside that ring instead of
23 outside?

24 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
25 INAMINE: Inside this?

1 BOARD MEMBER BROWN: No, the next -- last one.

2 Your last slide.

3 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

4 INAMINE: Oh, inside the ring?

5 BOARD MEMBER BROWN: Yeah.

6 SECRETARY DOHERTY: Is that that Plumas Lake
7 there?

8 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

9 INAMINE: This is Marysville. This is the ring levee
10 that surrounds Marysville. So I hope there's no water
11 in there.

12 BOARD MEMBER BROWN: Well, it's blue.

13 (Laughter)

14 MR. INAMINE: It's a very poor choice of
15 color. No, these are -- all of the colors are
16 associated with geologic units, so they're arbitrarily
17 chosen. Yeah, blue is a bad color for a flood map.

18 (Laughter)

19 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

20 INAMINE: Surveys. We're doing the traditional land
21 surveys. What is a little unique about Levee
22 Evaluations Program is for the first time, on this
23 system anyway, we're doing a comprehensive LiDar survey
24 of the entire project system and of the associated
25 non-project system.

1 LiDar is simply a way -- uses lasers, get in
2 -- in the urban program, you have a helicopter carrying
3 a laser with like a bazillion points of light, and it
4 shoots down at the ground and it bounces back, and
5 depending on how quickly it gets back, you can tell the
6 distances.

7 It's a very fancy way of determining
8 elevations. So it's -- it produces models of just what
9 you see here.

10 SECRETARY DOHERTY: Now, is that the top of a
11 levee right there?

12 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

13 INAMINE: No. This is actually like a railroad.

14 The point of LiDar is it allows you to
15 determine what the surface of any object looks like,
16 very quickly, very accurately.

17 SECRETARY DOHERTY: But you're only doing the
18 levees. You're not doing the levels of the carrying
19 capacity in a -- for instance, a bypass.

20 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

21 INAMINE: Well, in fact that's part of another program.

22 SECRETARY DOHERTY: Oh.

23 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

24 INAMINE: The mapping program and -- a hydraulics and
25 mapping program. But our stuff is being used there

1 too. They need our information, we need their
2 information.

3 And to that end, we're also doing bathymetry
4 in locations. Bathymetry is simply a way of doing the
5 same thing like we're doing with LiDar. We're getting
6 a picture of what the surface looks like above water.

7 Bathymetry tells us what the surface
8 underneath water look like. And this is -- the
9 bathymetry that we're using is called a multibeam
10 sonar. It's nothing more than a fish finder.

11 It's like you have on a fishing boat, except
12 there's lots of them underneath the boat. We sound the
13 depths of the channels for hydraulic capacity and to
14 understand the shape of the levees that are under
15 water. And we connect it up with the LiDar surveys,
16 and we get a total picture of what the levee looks
17 like.

18 And here's an example -- I think this is of
19 the Sacramento River near Freeport -- of what the
20 channel looks like when we go through and do bathymetry
21 surveys.

22 SECRETARY DOHERTY: So you're going to go all
23 the way -- let's say from Red Bluff to Corona, doing
24 this. So you would be able to tell us the depth --
25 we'd be able to assign figures, for instance, where

1 that ship is. You'd be able to tell us the depth of
2 that river right there then.

3 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
4 INAMINE: Yeah, if we were to do it all the way. But
5 what we are doing right now --

6 SECRETARY DOHERTY: Just the urban.

7 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
8 INAMINE: Right now, we're just doing it at the places
9 where the shape of the channel has an impact on the
10 levee. I mean there's a lot of levees where --

11 SECRETARY DOHERTY: Okay.

12 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
13 INAMINE: -- it's set so far back from the channel that
14 the capacity, the channel itself, is not going to have
15 an impact on the safety of the levee.

16 So we're really just looking -- doing the
17 bathymetry to look at things like waterside erosion or
18 unusual geometry or if the channel's right up against
19 the toe of the levee. So it's used in limited areas.

20 SECRETARY DOHERTY: Okay.

21 PRESIDENT CARTER: What's the effect of
22 vegetation on LiDar?

23 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
24 INAMINE: Well, that's important. The big push to get
25 the -- in the separate program, the CV/fed, Central

1 Valley Floodplain Evaluation Delineation Program, they
2 conducted a large LiDar survey of the system. And
3 there is a big push to get those helicopters and planes
4 in the air before vegetation comes out.

5 So the middle of winter is the best time to do
6 these surveys. So we try to get the surveys out -- in
7 our case we got them out I think in winter time to
8 avoid the vegetation. Because the vegetation stops the
9 lasers, and you just get, you know, a couple of points
10 instead of a hundred points.

11 PRESIDENT CARTER: So you're trying to get
12 through the deciduous trees or -- I mean, the grasses,
13 the brush, the trees are all going to be there
14 sometime. I mean, during winter they might not have
15 leaves. Is that what you're trying to avoid or?

16 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
17 INAMINE: Yeah. And it's -- you know, you have to see
18 some of the results. But you're sending out millions
19 of points of light, and some of those points hit the
20 earth, and then that information is processed to
21 develop where the actual earth surface of the levee is.

22 There is some judgment involved to determine
23 what's a tree and what's grass and what's the levee.

24 What's also really nice about these surveys is
25 that you get a -- in addition to getting a real survey,

1 an accurate survey of the levees, you get a pretty good
2 snapshot of vegetation at some point, at a point in
3 time. Because you're taking high-definition pictures
4 of the entire system.

5 SENIOR ENGINEER BUTLER: Hey Mike?

6 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
7 INAMINE: Yeah.

8 SENIOR ENGINEER BUTLER: What's the vertical
9 accuracy of the LiDar, if you had just a flat surface
10 that you knew was at a certain elevation.

11 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

12 INAMINE: Well, for the helicopter surveys, it's run
13 much slower, and it's much more accurate. You're
14 within, I believe, three or four inches. Okay.

15 And then I believe the plane surveys, I think
16 the planes that they've been using for the floodplains
17 is around like a foot.

18 PRESIDENT CARTER: Is that a function of the
19 speed that they're traveling?

20 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

21 INAMINE: It is a function of the speed and the
22 equipment they're using. The helicopter surveys are a
23 little bit more expensive, and there's more flight time
24 and --

25 BOARD MEMBER BROWN: What was the accuracy of

1 the airplane? Did you say six feet?

2 MR. INAMINE: No, I believe it is -- for the
3 helicopter-based surveys it's around, I want to say
4 like three inches. And the plane surveys that were
5 done were around a foot, actually about a foot.

6 BOARD MEMBER BROWN: Okay.

7 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
8 INAMINE: I'm not going to say too much the subsurface
9 exploration program, the drilling that you've probably
10 seen a little bit of, on throughout the levees to
11 understand what the levee conditions are and what the
12 subsurface conditions are. It's pretty traditional
13 stuff.

14 We are -- something rather unique to this
15 program, without getting down into the weeds, is that
16 we're doing a lot of continuous sampling. What that
17 means is, rather than taking samples of soil at
18 intervals, for the most part we're taking samples all
19 the way to the bottom of a hole.

20 And so we're collecting a lot of information.
21 A lot of samples are being stored in warehouses right
22 now for future projects, for future engineers to take a
23 look at when they develop their projects.

24 Again, this is not a hydrology and hydraulics
25 program. And when we first started this program, there

1 was a little bit of controversy over what was the state
2 doing. Were you looking at the 100-year water surface
3 elevation? Were you looking at 200-year water surface
4 elevation?

5 You get in that discussion, it never ends.
6 Because those numbers, 100-year, 200-year, they will
7 always change.

8 So for the most part, there is one elevation
9 that's very important to state's liability and to the
10 performance of the system, and that's the design
11 profile. Arbitrary as it was at the time, that's sort
12 of the legal single elevation that we have a record
13 for, and that's what we are -- that is one elevation
14 that we are evaluating levees and their performance.

15 And then we're looking at performance to the
16 top of the levee in the urban program. We need to
17 understand how the levee is going to perform at all
18 elevations, between the design elevation, 57/55 profile
19 all the way to the top of the levee, and that's the
20 information the locals are using, and that's the
21 information that the planners are going to use to
22 develop the strategy to spend money wisely on future
23 projects.

24 The geotechnical analysis. There is really
25 five areas that we're looking at that are very specific

1 to levee geotechnical engineering.

2 Seepage. That includes through-seepage
3 through the levee; deep underseepage; and stability. I
4 use seepage and stability when they're -- a lot of
5 people use those terms sometimes interchangeably
6 because seepage has a big effect on stability.

7 If there is a lot of seepage, then this a much
8 less stable levee. And foundation seepage often leads
9 to levee instability as well. So they're really sort
10 of one and the same.

11 In general, you fix the seepage problems, you
12 fix the associated stability problems.

13 Settlement. It's a big deal, especially in
14 the San Joaquin. There are soft soils in the Central
15 Valley, and so we're also looking at settlement,
16 potential for settlement.

17 Erosion is being addressed both in this
18 program and several other programs, including the
19 Critical Repairs Program, Sac Bank, San Joaquin Flood
20 Protection Program.

21 And then I alluded to seismic vulnerability.
22 We are not -- as part of the Urban Levee Evaluation
23 Program, the outcome of that is not a policy. It's not
24 criteria. Because that's a work in progress.

25 What we're doing is we're looking at how

1 vulnerable -- we're going to get a picture of how
2 vulnerable Central Valley levees are to an earthquake.
3 And that's really the first part of understanding the
4 problem so we can develop policies to address those
5 issues.

6 The last couple of slides concern the Nonurban
7 Levee Evaluation, the first year's work. There is a
8 number of things that have already -- this is a program
9 that's just now getting started, but a number of things
10 that have already taken place.

11 We've held stakeholder briefings throughout
12 the Central Valley, completed a literature search, and
13 we've scanned and collected about 8,000 documents
14 pertaining to the 1250 miles of nonurban levees.

15 Interviewed locals or at least gone through
16 our first-round interviews, performed inspections,
17 cataloged about 5,000 points of interest. These are
18 issues -- these points of interest refers to generic
19 term for boils and penetrations and anything else that
20 concerns levee safety.

21 This is the work that's going to be -- they're
22 going to be hearing about in the next year. Big, very
23 public meetings that are going to take place at the
24 Central Valley Flood Protection Plan workshops. This
25 is where we're going to air our stuff out, let people

1 know about our plans, and get input into what we're
2 doing on nonurban program.

3 It's going to be more LiDar. And other
4 surveys are being processed right now, water surface
5 elevation development, the other stuff I talked about,
6 geomorph. And then finally a report that will inform
7 the Central Valley Flood Protection Plan, assuming we
8 get money by the end of the summer.

9 There is an Independent Consulting Board
10 that's reviewing all of our stuff, both the urban and
11 nonurban program. Their charge is to provide
12 independent, expert technical review of all of our
13 documents and processes.

14 So we put together what we think is a --
15 pretty much a blue-ribbon panel of levee experts.
16 Chris Groves, who's with Shannon-Wilson, St. Louis.

17 Ray Seed, well-known professor at UC Berkeley.

18 George Sills was formerly with the Corps of
19 Engineers, their Engineering Research and Development
20 Center.

21 Skip Hendron actually comes from the Dam
22 Engineering practice. He's also done some levee work
23 and is a renowned geotechnical engineer, formally with
24 the University of Illinois, Urbana.

25 Bill Marcuson was also at ERDC. He's also the

1 past president of the ASCE.

2 And we really like independent consulting
3 boards. They look at things very differently than we
4 do. We're in a very fast production because of the
5 urgency of local projects and the aggressive planning
6 schedule, and the Board has on many times pointed us in
7 different directions, offered great insight. So they
8 have been very key to this program.

9 One of my last slides refers to sort of a
10 recent event that you may be hearing about and that
11 is that -- again, levee evaluations is essentially a
12 service organization. We serve a lot of different
13 masters, okay? Including this Board through the Flood
14 Project Section with the Division of Flood Management.
15 We provide technical reviews of whatever you send our
16 way.

17 We also partner with locals to support their
18 local projects. So we provide design review for EIPs,
19 Early Implementation Projects, and other design and
20 construction projects.

21 Some of those, some might argue, might be a
22 little conflicted. This Board is somewhat of a
23 regulatory board, and we're also helping locals get
24 their projects through the same Board.

25 And there are a number of multiple -- there

1 are a number of boards that are being formed right now.
2 We have our board. The Department's Independent
3 Consulting Board. Locals have their boards, such as
4 SAFCA's Board of Senior Consultants.

5 The Corps is now forming a board, an
6 independent technical board, that may be reviewing
7 these technical projects.

8 And then there is a Central Valley Flood
9 Protection Board.

10 So there is quite a process to get local
11 projects and state projects through these various
12 levels of review, and this is work that we had not
13 anticipated when we first started this program.

14 This is sort of the bottom line. Again, the
15 urban program is targeted for completion
16 September 2010. Non-urban program is targeted for
17 completion August 2011.

18 When it's all said and done, the urban program
19 is going to cost \$110 million. Non-urban program is
20 going to cost about a little over \$110 million.

21 It's a largely consultant-supported program.
22 All of the hardcore number-crunching, all the staff
23 support, is supported by large consultant firm
24 contracts listed here.

25 BOARD MEMBER RIE: Question?

1 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

2 INAMINE: Yeah.

3 BOARD MEMBER RIE: Who is managing this
4 program?

5 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

6 INAMINE: The Department of Water Resources, Division
7 of Flood Management.

8 BOARD MEMBER RIE: Who, specifically?

9 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

10 INAMINE: That would be me. And then if we went back
11 to the chart showing the breakout of the different
12 branches, Steve Mahnke is the project manager for the
13 Urban Levee Evaluation Program.

14 Hamid Bonakdar manages the Nonurban Levee
15 Evaluation Program.

16 And right now, Ariya Balakrishnan is riding
17 herd on the seismic policy.

18 And a gentleman by the name of Vince Rodriguez
19 is running the Interim Levee Design Criteria program.

20 They're all Department employees. But the
21 consultant support is a very large one. This is
22 largely a consultant-supported organization.

23 BOARD MEMBER RIE: Who is managing the
24 consultants?

25 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

1 INAMINE: We have staff. Within each of those
2 branches, those four project managers, they have staff.

3 In the case of the urban program, which is the
4 most intensive program, he has a staff of about 15
5 people who manage the programs, track the contracts,
6 process the task orders, do the QA-QC on the work.

7 And they also manage -- or they do some
8 quality assurance on the work, and they also manage a
9 separate contract to manage the QA-QC on that contract,
10 another level of review on those contracts.

11 BOARD MEMBER RIE: What was his name again?

12 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

13 INAMINE: Steve Mahnke is the project manager, and
14 Hamid Bonakdar. Those are the two big programs.

15 Okay. So again, urban evaluation program is
16 about 50 percent complete. We're just starting the
17 nonurban evaluation. You're going to be hearing a lot
18 about that. It's a collaborative effort between DWR,
19 the Corps of Engineers.

20 By the way, the Corps of Engineers, that's one
21 of our large contracts. We have an agreement with them
22 to help pay for their participation in review of all
23 our projects so that we're not out of step with what
24 they're doing.

25 Local stakeholders and consultants.

1 Everything is being coordinated through the Central
2 Valley Flood Protection planning process. The
3 workshops, the outreach is being coordinated through
4 that planning organization.

5 Particularly, the nonurban program is a
6 stakeholder-driven process. This program is obviously
7 unprecedented in scope, and there was no other
8 comprehensive geotechnical program like this for a
9 levee system.

10 And something that we're contending with right
11 now is that earlier slide, the program is doing quite a
12 bit of design review process.

13 And I think largely pointing to the success of
14 locals getting their projects up and running, we're
15 doing a large number of design reviews and perceive
16 that we'll be doing more of that.

17 That's it.

18 PRESIDENT CARTER: Questions?

19 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

20 INAMINE: Any questions, or comments? Suggestions.

21 PRESIDENT CARTER: Mr. Butler?

22 SENIOR ENGINEER BUTLER: Mike, one of the
23 earlier slides before you showed the maps of the
24 various types of levees that were under evaluation, the
25 different categories of levees, one of the slides, it

1 said statewide, implying the evaluation was literally
2 statewide.

3 But am I correct in really, at this point,
4 evaluation is limited to certain areas of the Central
5 Valley?

6 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
7 INAMINE: Yeah.

8 SENIOR ENGINEER BUTLER: And can you address
9 will all levees statewide eventually come under this
10 program or?

11 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
12 INAMINE: This program is limited to the Central
13 Valley.

14 Some of the outcomes of this program, like the
15 interim -- excuse me -- interim levee design criteria
16 and particularly the seismic policy, will have
17 implications for, say on the seismic policy, for
18 southern California as well.

19 But the hardcore exploration, testing,
20 analysis -- that stuff is all within the Central
21 Valley.

22 SENIOR ENGINEER BUTLER: Thanks.

23 PRESIDENT CARTER: Mike, I know that we've
24 articulated a level of protection standards for urban
25 areas. Has been there a standard articulated for

1 nonurban areas?

2 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF

3 INAMINE: No. And that's really an important question.

4 It's one that -- well, everybody has been wrestling
5 with for some time.

6 The level of protection we are evaluating
7 right now is the one that's guaranteed, the 55/57
8 profile. And so that -- for the nonurban program,
9 that's what we're looking at is that protection that we
10 provide assurances -- we provided assurances for, the
11 design profile.

12 We'll also be looking at, for planning
13 purposes, at higher elevations in the event that
14 through the planning process with stakeholder input
15 that a project arises that makes sense in a nonurban
16 area.

17 We're not -- we're careful not to preclude
18 anything. Now obviously, we're not interested -- where
19 this really comes to a head are the small rural
20 communities who don't make that 10,000 cut. Okay.

21 But after this first wave -- I just showed
22 really the first two phases of work which is the
23 background geotechnical work. Literature search,
24 geomorphology, all that stuff.

25 When we get to the more expensive phases of

1 that work, we're going to make some hard decisions with
2 locals about what projects are they interested in?
3 What is getting organized? What are the planning --
4 what is the plan for these small local communities?

5 And those obviously, because they have higher
6 risks in some areas, will get some of that more
7 intensive exploration normally associated with the
8 urban areas.

9 But again, that's a stakeholder-driven
10 process. We have an idea of where that money should be
11 spent, and we're going to have that vetted by locals.

12 PRESIDENT CARTER: And how do the rural
13 communities get involved in that?

14 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
15 INAMINE: Through Central Valley Flood Protection Plan,
16 beginning with these workshops that are going to be
17 held this summer.

18 And right now, actually, there is -- the
19 nonurban team has already been through the first wave
20 of interviews with the local cities, communities,
21 Reclamation Districts, just to get the levee
22 information.

23 So that outreach has taken place at a
24 technical level right now, but the formal outreach will
25 take place with the Central Valley Flood Protection

1 Plan workshops, and that will be a key issue.

2 BOARD MEMBER RIE: Mr. Carter, I have one more
3 question.

4 PRESIDENT CARTER: Go ahead.

5 BOARD MEMBER RIE: You said that there's only
6 maybe one company that provides the LiDar services; is
7 that correct?

8 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
9 INAMINE: No. There is lots. LiDar is pretty --
10 it's -- lot of people do that.

11 BOARD MEMBER RIE: With helicopters?

12 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
13 INAMINE: The geophysical work -- yeah, there's two
14 types of helicopter surveys.

15 There is the LiDar surveys, which are just
16 basically ground surveys -- they're surveys that
17 develop a picture of what the ground surface looks
18 like.

19 And then there is the electromagnetic surveys
20 which can be done from a helicopter. They can be done
21 from the back of a pickup truck. We're using a
22 helicopter because it's the most efficient way of
23 looking at long reaches of levees.

24 And there's a few firms that do that. It's a
25 highly specialized kind of work. It's not the type of

1 survey that's done commonly, at least in the United
2 States. It's used quite a bit elsewhere.

3 BOARD MEMBER RIE: And how much of the \$110
4 million for the budget is being spent on
5 electromagnetic?

6 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
7 INAMINE: A million bucks.

8 BOARD MEMBER RIE: Just one million.

9 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
10 INAMINE: One million. Yeah. For the entire -- all
11 the nonurban areas and associated, and some of the --
12 for all of the urban areas and some of the associated
13 nonproject urban levees.

14 BOARD MEMBER RIE: I'm just wondering if maybe
15 that money would be, with all the limitations with
16 electromagnetic surveys and the errors that you could
17 potentially have, would it make more sense to do more
18 borings, instead of every thousand feet maybe do them
19 every 500 feet?

20 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
21 INAMINE: Yeah. That's a great point.

22 And the reason we're doing this, actually, is
23 the converse of that point. That it's really expensive
24 to do borings. They are -- you're spending, you know,
25 for one hole, you're spending tens of thousands of

1 dollars. And we have tens of thousands of holes.

2 So what we're trying to do is leverage the
3 information that we gather from these physical
4 explorations which are the gold standard explorations.

5 We're leveraging the vast information we get
6 out of those with all the stuff in between that we have
7 you know, again, one hole this big around every
8 thousand feet.

9 You don't have physical evidence of what's in
10 between except through interpretive studies. And so
11 that million dollars is arguably some of the better
12 money we've spent because it gives you a picture, when
13 it's calibrated to those holes, of everything that lies
14 in between.

15 Some of -- there's a -- as an example, there
16 is a street channel on the cross canal in
17 Sacramento/Natomas. And they did intensive spacing for
18 the purposes of design. The design, they usually place
19 holes closer together because they're going to design
20 the thing, and they need to know what's in the ground.

21 Well, they missed one channel, and they did
22 the appropriate level of investigation, physical
23 investigation, but they missed one channel, but the
24 electromagnetic survey picked it up.

25 And that was potentially, you know -- that

1 potentially paid for the million bucks that we spent on
2 HEM throughout the system.

3 BOARD MEMBER RIE: The only reason I ask is
4 because I know there's been past projects where we
5 didn't take enough borings and the electromagnetic
6 surveys may or may not be accurate depending on what's
7 underground. There could be something that distorts
8 the information that's buried in the ground, and you're
9 not going to necessarily know that.

10 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
11 INAMINE: Absolutely.

12 BOARD MEMBER RIE: So if we -- say we have
13 another seepage problem and we design a slurry well,
14 and it's 35 feet deep, and then we miss something, we
15 could spend a hundred million dollars on a project and
16 find out we're wrong, and then have to spend \$500
17 million to fix it.

18 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
19 INAMINE: No, that's a great point.

20 BOARD MEMBER RIE: So just wondering --

21 LEVEE REPAIRS AND FLOODPLAIN MANAGEMENT CHIEF
22 INAMINE: And this applies to everything else we're
23 doing as well. This -- HEM is one tool amongst dozens
24 of tools that we're using to evaluate everything
25 underground.

1 And I don't want to over -- you know, I don't
2 want to overemphasize HEM. It's a relatively minor
3 part of the program.

4 What it tells you, very simply, is if you've
5 got something weird going on underneath the ground.
6 All it does is it tells you there's an anomaly that you
7 need to go back and look at physically.

8 So the way we've used it is we take these
9 surveys, we try -- we calibrate them to the holes, and
10 then we look for weirdness in between those holes.

11 If we see something that doesn't look right,
12 then we do physical exploration. That's the gold
13 standard. And that's what we based the important,
14 big-dollar decisions on.

15 So I don't want to overemphasize the
16 importance of HEM. It's one tool among dozens of tools
17 that we use to evaluate foundation conditions.

18 PRESIDENT CARTER: Thank you very much. That
19 was very, very informative, very helpful.

20 Ladies and gentlemen, let's take a ten-minute
21 break, and then we'll continue with Item 15.

22 (Recess)

23 PRESIDENT CARTER: Ladies and gentlemen, if I
24 could ask to you take your seats, we'll go ahead and
25 continue. Try to get things wrapped up.

1 We're on Item 15, an Informational Briefing.
2 It's a briefing on the report of the National Committee
3 on Levee Safety. This is an effort that, as you
4 recall, the Board had representation on the advisory
5 committee and California in general had very good
6 representation on the committee.

7 And in particular, Rod Mayer very aptly
8 represented the State on the National Committee on
9 Levee Safety. So Rod, welcome, good afternoon. Thank
10 you for coming.

11 SECRETARY DOHERTY: Rod, didn't you give a
12 report late one day not too long ago?

13 MR. MAYER: Um.

14 SECRETARY DOHERTY: It was fast. But what I
15 was getting at, maybe you can ask for a morning time
16 next time. While we're still awake.

17 (Laughter)

18 PRESIDENT CARTER: I'm awake.

19 MR. MAYER: Hopefully this will wake you right
20 up. Good afternoon. And it's a pleasure to talk to
21 you. Yes, I was one of the California representatives.
22 You also, I'm sure, remember Les Harder. He was
23 another California representative to the committee.

24 And former Chief Deputy Director of the DWR,
25 Steve Verigin, was also a member, a nonvoting member

1 although it turns out the voting didn't really matter;
2 it wasn't an issue. So he was very helpful.

3 As well as a former deputy director, Ray Hart,
4 was on the review team along with President Ben Carter.
5 So let me take you through some slides here.

6 I've got quite a few of them. This is a
7 standard presentation that has been prepared by the
8 committee for committee members to use. It has a lot
9 more stuff in it than I would normally show, lot more
10 detail. And -- so I'm going to skip some things and
11 gloss over some things for expediency.

12 But I did want you to see what everybody else
13 is seeing and will be seeing as this presentation is
14 made around the nation.

15 This definitely has a California flavor to it,
16 beginning with this slide, about two classes of levees.

17 Here's an overview of the presentation,
18 talking about the Act, the committee, the problem,
19 recommendations made by the committee, and this being
20 an investment.

21 So the National Levee Safety Act from WRDA
22 2007 said there should be an inventory and inspection
23 and database of federal levees established by the Corps
24 of Engineers. That was section 9004. And the Corps
25 got started on that right away as they got funding.

1 Funding didn't come for a little while for
2 establishing the levee safety committee which was also
3 recommended in the Act and authorized. When funding
4 was available, the Corps began on it, and we were
5 required to provide a report within 180 days.

6 So our target to meet that 180 days when
7 funding was available was January 15th. We worked very
8 hard from October through early January to accomplish
9 that.

10 The Act also defined what a levee should be
11 for purposes of the Act. It included, of course,
12 embankments as you're used to considering, flood walls,
13 and embankments or structures along canals.

14 Now the committee was comprised of a number of
15 folks -- I'm going to need my glasses, I can see --
16 from various states, local regions.

17 We tried to get tribal representatives and
18 failed in that, although we did get them on the review
19 team. And we did have a representative from FEMA, one
20 from the Corps.

21 And the products of the committee were
22 reviewed at a few key points along the process by a
23 review team which was multidisciplinary as well.

24 We developed a vision, which is -- involved
25 public and reliable levee systems working as part of an

1 integrated approach to protect people and property from
2 floods.

3 And we needed to deal with nine specific goals
4 established by Congress in the Act. We see a few of
5 the key ones here, talking about developing sound
6 technical practices for levee design and construction,
7 O&M, communication and public outreach, establishing
8 competent levee safety programs and procedures, and
9 feasible governance solutions.

10 So talk about the problem. A little bit more
11 California flavor. You may recognize some of these
12 pictures. They are from this area right here, years
13 ago.

14 Levees. Very often we're dealing with legacy
15 systems. They were built without standards. Numerous
16 methods which would be considered highly inappropriate
17 for construction today.

18 And the methods -- you can see how they built
19 it. If you dig up the levee, you can kind of see how
20 they did it back then. But often they used unprepared
21 foundations, inappropriate soils, and no compaction.

22 And in the 1960s, beginning in the '60s into
23 the present, we began with an era of unintended
24 consequences. First with 1968, establishment of FEMA's
25 program and the 100-year level of protection set as the

1 standard or the threshold through which, if that's not
2 achieved, then an area would be restricted from
3 developing, and there would be required flood insurance
4 for property owners.

5 And in 1986, the Water Resources Development
6 Act for the first time required on federal projects
7 that not only does a nonfederal sponsor have to provide
8 the land easements and rights of way, it also has to
9 come up with a cost share.

10 As a result of that cost-share, affordability
11 became a major issue for local agencies. And because
12 of their lack of understanding of flood risk and
13 residual risk, these things work together leading
14 communities to shoot for the minimum that they could
15 afford, which was the 100-year, and allow them to
16 continue developing and remove insurance requirements.

17 We've had a number of wake-up calls over the
18 years, including the Midwest floods in 1993, and in
19 California our 1997 floods. And Katrina was a little
20 different in that there were so many fatalities that it
21 was a call that couldn't be ignored.

22 SENIOR ENGINEER BUTLER: Hey, Rod?

23 MR. MAYER: Yeah.

24 SENIOR ENGINEER BUTLER: Sorry, but you say
25 unheeded --

1 MR. MAYER: Well, it was unheeded from the
2 national perspective.

3 SENIOR ENGINEER BUTLER: Okay.

4 MR. MAYER: Not -- you didn't see much change.
5 In California, there was actually quite a response.
6 But on the other hand, it wasn't sustained, either.
7 We tend to have a cycle of funding, up and
8 down. By the early '90s, we were back dealing with
9 serious budget cuts -- excuse me, not early '90s. By
10 early 2000s we were dealing with budget cuts. Kind of
11 as if the '97 flood hadn't occurred.

12 We find that there are many communities
13 throughout the nation, Sacramento being one of them,
14 where many people live behind those levees, and the
15 communities absolutely need those levees to continue to
16 survive. And there is no national standards nor
17 approaches, and we don't even know how many levees
18 there are.

19 I think this is the pointer.

20 The Corps has done a nationwide assessment of
21 federal levees, and here's what it finds. About 14,000
22 miles of poor levees.

23 And when we look in California, California is
24 really the only state that has major levee systems that
25 has actually done an inventory and we have a database.

1 In California, we found that the Corps levees comprise
2 maybe 15 percent of our levees.

3 If you were to extrapolate across the nation
4 based upon that ratio and say that these constitute
5 15 percent of the nation's levees, you'd end up saying
6 that the nonfederal levees that haven't been
7 inventoried across the nation are on the order of
8 100,000 miles.

9 And we're also finding that with climate
10 change, increasing populations behind levees, and just
11 the tendency for infrastructure to degrade and
12 deteriorate, our risk is growing.

13 So we have a call to action. First of all, we
14 need to deal with the risk which is really the product
15 of what's the likelihood of a flood occurring and that
16 the levee will perform as intended, multiplied by the
17 consequences of when it fails.

18 What are the damages? And if we don't act,
19 our trend towards increasingly worsening disaster
20 relief environment will continue.

21 So the recommendation is that there should be
22 a national levee safety program. And in fact, that's
23 what Title 9 of the WRDA 2007 recommended, and the
24 committee was asked to make recommendations about how
25 to have such a program set up.

1 We also had some other considerations to deal
2 with. Levees aren't the entire flood risk equation.
3 There's lots of other flood risk besides those posed
4 behind levees. And although that was outside our scope
5 on the committee, we did recommend that there is a need
6 for a comprehensive flood risk management program
7 across the nation.

8 It goes beyond levees. Levees would be a
9 major part of it. We also noted that there is a
10 national dam safety program. It's very much
11 underfunded. And it could be housed together with a
12 levee safety program. It would make a lot of sense to
13 at least look at that option.

14 And finally, there's an emerging dialogue
15 regarding investing in infrastructure. Levees are a
16 part of that, and they should be highlighted as a
17 priority.

18 In fact, levees protect a lot of the other
19 infrastructure that the investments would be made in.

20 So let's talk about the recommendations of the
21 committee.

22 We recommend that there should be a national
23 program. There should be a commission set up at the
24 national level to provide leadership for the program.
25 The program should mainly be run in the states through

1 delegation from the national level, and there should be
2 an alignment of the federal agencies that have levees,
3 are responsible for levees, and that act in the
4 levee-protected areas.

5 Here are the 20 recommendations which I'll be
6 taking you through. They break out into three major
7 recommendations: Comprehensive and consistent national
8 leadership, building safety programs in all the states,
9 and aligning the existing federal programs.

10 So first recommendation. Establish a national
11 levee safety commission. We know that this may not be
12 a very popular recommendation for those that especially
13 would be opposed to increasing the size of federal
14 government.

15 We knew that going in, and we looked at
16 options for where maybe how we might handle this. One
17 of the presumed options, or best options right from the
18 start, was this should be housed in the Corps of
19 Engineers. And we also looked at FEMA as well.

20 We found a serious flaw in both agencies for
21 housing this program. And with respect to the Corps,
22 the issue is in this program we're envisioning grants
23 to states for local levee safety programs and
24 improvements. The Corps is not a granting agency and
25 does not have a history of wanting to be a granting

1 agency and actually had a dam safety program and lost
2 it to FEMA over this very issue.

3 Even though they have all the engineering
4 expertise, we considered this a serious flaw. So I
5 look at the other side of the equation, FEMA.

6 They don't have the engineering expertise with
7 respect to levee safety and design standards and so
8 forth to manage such a program, although they have a
9 lot of the granting capability.

10 So the idea was why not establish a commission
11 that takes advantage of both of these with a small
12 staff that uses the Corps, uses FEMA to administer the
13 program? And it would have independence, so it
14 wouldn't have to report within the chain of command of
15 either organization.

16 It would be able to make its own decisions and
17 recommendations. It would have its own small staff and
18 the commission itself would be decisional, not
19 advisory.

20 And it would have standing advisory committees
21 from throughout the nation, key people with experience
22 in dealing with these four topics: Delegated programs
23 to the states, technical issues with respect to levees,
24 public education and awareness, and environment and
25 safety.

1 BOARD MEMBER RIE: Question?

2 MR. MAYER: Yes.

3 BOARD MEMBER RIE: What kind of decisions
4 would they make?

5 MR. MAYER: Should a state receive a delegated
6 program? Should a state who isn't performing lose a
7 delegated program? What should the standards be for a
8 levee?

9 And there is a -- you can go into design,
10 construction, O&M -- there's all kinds of decisions
11 with respect to things like that, not to mention public
12 involvement in what the program should look like, what
13 the funding levels should be on these various things
14 within limited budget constraints.

15 BOARD MEMBER BROWN: Would this turn into a
16 regulatory agency?

17 MR. MAYER: In a way, it would be regulatory.
18 It definitely would. And in a way, it would also be an
19 agency that's providing funding to help states and
20 invest in the nation's levees.

21 In my mind, just speaking for myself, it would
22 resemble this Board in many ways, a regulatory role and
23 also a roll of partnering and investing.

24 BOARD MEMBER RIE: So would this agency be on
25 top of -- let's say you wanted to do something. You

1 have the Reclamation District, your local city or
2 county, you have the state flood control agency, you
3 have DWR, you have all the other regulatory agencies,
4 you have Corps of Engineers, and this would be another
5 agency on top of all those other agencies?

6 MR. MAYER: Correct.

7 BOARD MEMBER RIE: Okay.

8 BOARD MEMBER SUAREZ: And who would be -- how
9 would we make the appointments on this commission?

10 MR. MAYER: We had lots of discussion about
11 that. At the end, we kind of deferred on that issue,
12 saying maybe we don't need to tell Congress how to do
13 some of these details. We had envisioned that these
14 would be Presidential appointments for commission
15 members, so.

16 BOARD MEMBER SUAREZ: They're not reporting to
17 the Corps, or reporting to FEMA.

18 MR. MAYER: Correct.

19 BOARD MEMBER SUAREZ: What's the check and
20 balance. Who checks on them?

21 MR. MAYER: Well, ideally they would be
22 reporting to the President. We understand that
23 Congress may say we want to have some level in between
24 there.

25 The committee did not think it wanted this

1 commission reporting up through the Corps or through
2 FEMA. So there are --

3 BOARD MEMBER SUAREZ: So it's a Presidential
4 commission.

5 MR. MAYER: Yes. That would be the
6 recommendation.

7 BOARD MEMBER SUAREZ: But Presidential
8 commissions don't regulate.

9 MR. MAYER: Well, one of the models we looked
10 at was the Marine Mammal Commission. I don't know a
11 lot about it, but we've got -- that seems like a pretty
12 good model.

13 We didn't specifically say that in the report,
14 and we understand that that's up to Congress to
15 consider how they want to do this. But the commission
16 can -- whatever that commission does in its powers, we
17 thought is a reasonable model.

18 BOARD MEMBER RIE: So let's say the agency
19 were to get formed. Would Congress still allocate
20 money directly to SAFCA, to the State of California?
21 Or would they put all their money in this commission,
22 and the commission would decide who gets the money?

23 MR. MAYER: Well, I'm not sure the Congress
24 has allocated money to SAFCA. I'm not sure what you're
25 referring to.

1 Right now, Congress allocates money to FEMA --
2 with respect to levees -- allocates money to FEMA.
3 They allocate money to the Corps of Engineers, and
4 maybe National Resources Conservation Service.

5 PRESIDENT CARTER: What about WRDA?

6 MR. MAYER: Yes, it goes to the Corps. And
7 then so the Corps then has the federal funds for which
8 SAFCA then provides matching funds along with the State
9 of California for federal projects.

10 BOARD MEMBER RIE: So would that program go
11 away?

12 MR. MAYER: No, that would still continue.

13 We have no intention -- the committee has no
14 intention of diminishing the Corps' programs. We still
15 see a need for federal projects. Or FEMA's program for
16 that matter.

17 We do see a need for more funding, though, for
18 levees and investing in levees. We talk about that
19 later in the recommendations for grants.

20 BOARD MEMBER BROWN: Rod, this is getting
21 concerning, knowing how the State likes to operate
22 where we have as much independence as we can.

23 And we've seen what's happened in the
24 Bay/Delta with CALFED and that -- this is causing some
25 concern here about setting up federal government as

1 another regulatory agency over the drainage issues
2 happening in our state.

3 Am I the only one here thinking that way?

4 BOARD MEMBER SUAREZ: Hear, hear.

5 VICE-PRESIDENT HODGKINS: How -- okay. If
6 this commission is promulgating in effect those
7 standards, is the Corps complying with those? Or do we
8 have the Corps promulgating their levee standards, and
9 FEMA still promulgating their levee standards?

10 MR. MAYER: That will be covered in another
11 recommendation. The short answer is we think there
12 should be one set of standards.

13 VICE-PRESIDENT HODGKINS: Okay.

14 MR. MAYER: Okay. Let's move on. This
15 essentially provides some of the same information as
16 the previous slide.

17 The commission would have staffing, a small
18 staff, doing things such as managing the delegated
19 programs.

20 Where states don't have a program, and at the
21 beginning, there would be few states that have
22 programs, the national program would step in at a very
23 modest level.

24 But the intention really is that the states
25 would have the programs, and there would be a lot more

1 activities with respect to levees within the states
2 when the state has a delegated program. And there is
3 also from the staffing support for the advisory
4 committees which are over here.

5 So what are the responsibilities of the
6 commission? Administer the program, provide oversight
7 of those delegated programs, to provide incentives and
8 disincentives, extend and maintain a national levee
9 database which is only federal levees at this point,
10 develop standards, classification systems, guidelines
11 for tolerable risk which bring life risk into the
12 equation for how we design levee systems.

13 R & D, technical information, public
14 involvement, addressing environmental protection
15 requirements and levee safety, and providing for
16 inventory and inspection.

17 BOARD MEMBER BROWN: What inventory and
18 inspection?

19 MR. MAYER: Right now, we have an unknown
20 number of levees we have, and don't know where they
21 are. We think there should be an inventory of where
22 the levees are, and they should be inspected.

23 BOARD MEMBER BROWN: Well, California knows
24 that. Have you thought about the other states?

25 MR. MAYER: California doesn't even know where

1 all the levees are in California, and we're way ahead
2 of the other states.

3 You want to talk about California? We have a
4 levee database at this point with 13,800 miles of
5 levees identified. It's far from complete, and it's
6 missed a lot of levees. There may be levees in there
7 that probably don't qualify as levees. So there is a
8 lot more effort that needs to go into that database.

9 SECRETARY DOHERTY: So it's including private
10 levees.

11 MR. MAYER: Absolutely, yes.

12 SENIOR ENGINEER BUTLER: And structures that
13 currently we may not consider as levees.

14 MR. MAYER: Like a flood wall.

15 SENIOR ENGINEER BUTLER: Yeah.

16 MR. MAYER: Okay.

17 Meanwhile, there's other federal agencies like
18 Bureau of Reclamation that would have canal embankments
19 that would be affected by this that we would expect
20 them, and the Corps of Engineers, and FEMA to adopt the
21 established standards. And there would be one national
22 standard with respect to what levees are and how
23 they're measured and with respect to their performance.

24 At the state level and within the states, the
25 idea is to have delegated programs. And this -- those

1 states would also adopt those same federal standards.
2 They would update the inventory inspections and report
3 annually.

4 And of course owners and operators of levees
5 would do what we expect owners and operators of levees
6 to do.

7 Second recommendation: Extend and maintain
8 that national levee database.

9 Like I said, only 14,000 miles of federal
10 levees in that database now. There's a lot more levees
11 out there that haven't been inventoried. We think that
12 should be done, 100 percent federal funding, should be
13 done by the Corps and included into their database.

14 We proposed preliminary hazard potential
15 classification system for levees, much like with dams
16 that have a classification system.

17 The simple way to read this chart is, if it
18 has less than a thousand people behind the levee, it
19 would be considered a low hazard levee or hazard
20 potential.

21 If it has more than 10,000 people that could
22 be subject to a depth of three feet or greater if the
23 levee were to fail, then it would be high hazard
24 potential. Everything else is between. It would be
25 significant. And there is a little bit -- so this is

1 based upon people and depth.

2 But there is also consideration, if you have
3 critical safety infrastructure or abnormally high
4 potential economic losses.

5 Fourth recommendation: Develop a common set
6 of standards for levee safety, getting back to Butch's
7 question.

8 So there would be definitions, and they are
9 offered in the report now as placeholder definitions.
10 And there's certain exemptions about what wouldn't fall
11 under the program.

12 For instance, small levees that don't protect
13 much wouldn't be included. There would be -- the idea
14 is that there would be standards, interim standards at
15 first, then through a more rigorous peer-reviewed
16 process adopted into a national code.

17 Fifth recommendation: Develop tolerable risk
18 guidelines. So right now levee systems, generally
19 designed by the Corps but also by others, are focused
20 on economics.

21 We size levee systems based upon benefit-cost
22 ratios and maximizing benefits. We don't have life in
23 the equation. Total risk guidelines, in my view, is a
24 way to do that.

25 It doesn't have to be done -- you can use

1 these for more than life. You can use them with
2 respect to dollars and benefit cost as well. But it is
3 a good way to bring life into the picture for sizing
4 your levee system as well as the actions you take
5 behind the levee such as your evacuation plans.

6 We also recommend for FEMA certification
7 purposes, when a certification is provided to FEMA with
8 respect to 100-year level protection for a levee
9 system, that that term right now in the minds of many
10 folks and perhaps in the minds of judges is perhaps
11 implying a warranty, and we want to remove that
12 concept.

13 The term that's in play right now is
14 compliance determination. Simply saying it went
15 through the checklist of things that we look at as
16 engineers, and we can check the box in each case. No
17 warranty implied as to how the levee will actually
18 perform.

19 We also recommend that FEMA, in making its
20 certifications and accreditations of levee systems for
21 100-year protection, that it could subject those
22 certifications to independent peer review.

23 Those last two were somewhat addressing
24 liability, but there's larger liability issues out
25 there with respect to levee safety and this program.

1 We're finding that engineering service providers, many
2 of them are stepping away from levees.

3 And the largest, most competent firms are
4 wanting to have less and less to do with levees and
5 certification of levees and design and construction of
6 levees.

7 It's not helping, and it's because of concerns
8 about liability, and their insurance carriers are
9 saying don't get involved with levees after what we've
10 seen happen in New Orleans.

11 Also state and local governments. You all
12 know about the concern with respect to liability and
13 the Paterno decision that has reverberated throughout
14 the country. And any state or local agency that takes
15 on a new levee safety program and begins inspecting and
16 reporting on levees that it never had any role with
17 prior to that is going to be concerned with liability
18 for doing that.

19 And we think that could be a real show stopper
20 for many states to take a levee safety program. That
21 issue needs to be addressed.

22 So the recommended action is Congress should
23 swiftly begin dealing with this issue. There may not
24 be the ability of Congress to deal with some of these
25 nuances. They may need to be dealt with at the state

1 level. But the topic needs to be brought up to
2 Congress and addressed to the extent possible as soon
3 as possible.

4 Ninth recommendation: Lead public involvement
5 and education awareness. We want to ensure that risk
6 is communicated consistently and clearly, and we're
7 seeking to change people's behavior with respect to
8 when they live behind levees to know what's going on
9 and to take steps to minimize their personal risk.

10 We want to develop those strategies at the
11 national level but carry out a lot of the actions
12 really at the state level.

13 In the interim, we'd want to see FEMA set up a
14 coordinating counsel with communications experts with
15 respect to risk and federal agencies. This could be
16 done immediately. In the long term, though, it should
17 be a standing advisory committee as noted earlier.

18 Recommendation ten: Comprehensive technical
19 materials and assistance. So we've now got national
20 levee safety code that I mentioned, and there would be
21 publications prepared by this commission.

22 A lot of this work I think we envision that
23 the Corps of Engineers would carry out under the
24 funding and direction of the commission because they
25 have expertise in a lot of these topics about

1 construction, O&M and so forth, and there would be
2 technical assistance using these and other materials.

3 11th recommendation: Develop a national levee
4 safety training program. Of course, provide that
5 training using materials just referenced.

6 We also, much like there are certified
7 floodplain managers, we envision it would be valuable
8 to have certified levee professionals that go through
9 the specific training and keep the training up to date.

10 And there should be a national annual
11 conference with respect to levee safety.

12 The 12th recommendation: Harmonize
13 environmental and safety concerns. This would be a
14 standing committee that I mentioned. We see R&D
15 efforts needed with respect to O&M and compatibility
16 with environmental issues.

17 Levee vegetation is one of them that I know we
18 are very familiar with. We think there should be work
19 toward national solutions and that there should be
20 environmental liaisons, not only at the federal level
21 but within each of the state programs.

22 And the state programs would coordinate across
23 the state agencies and with the local agencies and up
24 to the national level.

25 13th recommendation: There should be research

1 and development, a program for that, and that would be
2 under the technical advisory committee. So we would be
3 looking for innovative technology, and we want to see
4 security of levees addressed through technology and
5 tools.

6 We also propose that there be forensic
7 investigations of levee failures and severe destructive
8 events, and not only guidance with how to do that but
9 also a team of experts ready to do that.

10 Moving out of the federal arena now to the
11 state safety programs, the 14th recommendation:
12 Delegate to the states.

13 Now, the states would need to demonstrate that
14 they have authority, regulations and resources to
15 perform some basic functions. They'd need to adopt
16 those national standards, be able to inspect and
17 inventory the levee systems under their jurisdiction.

18 They would need to have public education and
19 awareness programs following the national guidance and
20 materials provided from the national level. They would
21 need to be able to coordinate within their state.

22 And they would also need to be able to develop
23 emergency action plans and evacuation plans. And
24 evacuation plans we consider a very key mitigation tool
25 with respect to residual risk behind levees.

1 There would be other programs and procedures
2 as well beyond this that would be for state safety
3 programs that exceed the minimum. And there would be
4 incentives that I'll talk about in a little bit that
5 would reward states that go beyond the minimum.

6 For instance, this Board here goes way beyond
7 the minimum in many respects. You're not statewide,
8 but in the Central Valley, if you think about it, we do
9 a lot more than this.

10 We don't have the evacuation plans yet, but
11 when you think about it, we have the ability to form
12 maintenance areas for when levees are poorly
13 maintained. You oversee design and construction and
14 issue permits for encroachments and such things.

15 We think those are all part of a really robust
16 levee safety program, and California and the Board is
17 actually considered a model for the nation. But not
18 all those authorities and responsibilities would be
19 required to have a basic minimum program.

20 15th recommendation: There should be a grant
21 program. This would help the states stand up their
22 levee safety programs. And I'll talk about phases in a
23 bit.

24 At the beginning, we're thinking it should be
25 mostly federal funds, 75 percent federal, 25 percent

1 nonfederal.

2 Later on, as we get several years into it, we
3 would think that funding should be reduced to about
4 50/50.

5 And where there's multijurisdictional systems
6 or systems that cross state lines, such as the Colorado
7 River involves many states, there should be rewards or
8 additional funding provided for situations like that.

9 This grants could be administered by FEMA at
10 the beginning. Later on by the commission.

11 16th recommendation: There should be a fund
12 for rehabilitating and improving levees throughout the
13 nation. This would be a major fund with billions of
14 dollars, not millions as in the previous grant program
15 that I just mentioned.

16 We think the cost-sharing that would be
17 reasonable would be 65 percent federal, like Corps
18 projects are now, except you wouldn't have to go
19 through the Corps and have the Corps build these
20 projects.

21 These would be funds available to states and
22 communities to do the rehabilitation and maintenance of
23 the levee systems. And this would be available for not
24 only structural solutions but for nonstructural.

25 There would be certain requirements for

1 eligibility such as participating in the national flood
2 insurance program and having risk communication and
3 emergency response plans.

4 Moving on to the federal agencies and
5 alignment for them. 17th recommendation: Explore
6 incentives and disincentives.

7 There are many things we can do with respect
8 to federal funding that work as incentives or
9 disincentives to encourage behaviors that we may find
10 desirable or discourage ones that we find undesirable.

11 And those things can be savings or funding to
12 the community, eligibility for federal funding, or
13 you're not eligible anymore if you haven't been doing
14 well in certain ways.

15 Priorities. You could shift priorities and
16 give higher priority to someone who's doing well. And
17 you can change the cost-sharing. Instead of 50/50, you
18 can put it on a sliding scale depending on certain
19 criteria.

20 This is a very complicated dynamic, something
21 we weren't able to deal with in the committee in three
22 months. But we did identify that this is important.
23 Congress has asked us to look at this, and we agree
24 that this is important, and here's our thinking on it.

25 But we think that there are programs that

1 should be affected -- and we talk about this -- and
2 there should be ones that should not be considered.

3 We don't want to see communities that are
4 fighting a flood and dealing with an emergency have
5 federal assistance withheld from them at that time. We
6 think that would be inappropriate.

7 We want to see federal assistance provided
8 just as it is today, maybe even more so. But
9 afterward, maybe rehabilitation would be affected. The
10 ability of the Corps to provide rehabilitation funds
11 under PL84-99.

12 And there might be other things such as maybe
13 funds for highways or grants would be affected in the
14 levee-protected area. The idea is to keep this
15 revenue-neutral so it's not an additional cost to the
16 federal government, but you play with things such as
17 eligibility and priority and cost-sharing arrangements.

18 18th recommendation: Mandatory risk-based
19 insurance, one of the more controversial
20 recommendations. I think you hit on one of the most
21 controversial, a new federal commission. This is
22 another one.

23 The idea would be if you live behind a levee
24 there is risk, no matter what your level of protection
25 is, so we think insurance is an appropriate mitigation

1 for the risk to the structures.

2 Now, that risk should be reflected in the
3 insurance premium. So if you have 300-year level
4 protection, your insurance premium should be a lot
5 lower than a levee that has the bare minimum 100-year
6 protection meeting current FEMA standards.

7 We also recommend in recommendation number 19
8 augmenting FEMA's mapping program. We think their
9 program should identify levee systems throughout the
10 nation and the zones behind them which we call in
11 California levee flood protection zones.

12 Their maps which are mapped now with zones A
13 and AE, where it's behind a levee should be mapped as a
14 zone AL and if it's an X area it should be XL,
15 indicating this is a leveed area, there's something
16 different about this.

17 It's not necessarily a situation where the
18 river is going to rise slowly and cause some flooding.
19 It's where a levee could fail and rapid deep flooding
20 may occur.

21 Also, states like California where we're
22 developing 200-year floodplain maps, it would be very
23 desirable for us to be able to put those on FEMA's
24 website where a lot of people go to look for levee and
25 flood information. And so that's a recommendation.

1 The 20th and last recommendation: Allowing
2 FEMA's community rating system under its flood
3 insurance program to reward safety programs.

4 Right now, that community ratings system is
5 used by some communities to reduce insurance premiums
6 for those insurance policy holders in the community,
7 and it does not recognize levee safety programs
8 currently.

9 There are no real levee safety programs in a
10 formal way. So this recommendation would provide
11 reduced insurance premiums where levee safety programs
12 exist; and for the better, more robust programs, the
13 insurance premium would reduce accordingly.

14 So what comes next? There is immediate,
15 short-term and long-term actions.

16 In the immediate, we see that there are some
17 existing authorities that allow limited amount of these
18 recommendations to proceed but mostly new authorities
19 would be needed to begin work on this.

20 Congress asked for this report. And the
21 vision of Congress is that there would be legislation
22 to implement the parts of the report that it deems
23 appropriate and wants to implement.

24 Next, there would be the short-term actions.
25 So once there's been enabling legislation for the

1 program, it would be stand up the program time. And
2 this would be a time where there would be lots of
3 federal funding, there would be incentives to stand up
4 state levee safety programs, and after that -- and it
5 may be a five, seven-year period, who knows -- there
6 would be a sustaining the program phase.

7 And here's where maybe disincentives begin
8 kicking in because states have had ample opportunity to
9 take advantage of these incentives and failed to do so.

10 What's the cost?

11 When we looked at the cost, we made some
12 estimates. And it looked like setting up and managing
13 the commission would be about \$40 million per year, and
14 that would be at the beginning as well as beyond that.

15 Having state levee safety programs looks to be
16 about \$150 million cost in the beginning as more and
17 more states become involved setting up their program.

18 We think this would be cost-shared, mostly
19 federal cost in the beginning. And in the long run, if
20 all 50 states were to do it, maybe about \$170 million
21 per year. And it would be more evenly cost-shared,
22 maybe 50/50, as I mentioned earlier.

23 There's also that need for the complete
24 inventory and inspection of all the nation's levee
25 systems. Significant costs for that. We think that

1 would be a federal cost, \$125 million. And then
2 maintaining that information, about \$3 million.

3 And that mitigation -- rehab and mitigation
4 fund that I mentioned. This is the big money. \$923
5 million dollars in the beginning as an annual cost, and
6 increasing 1538, and this would be cost-shared 65/35.

7 We provided in the report some anecdotes of
8 justification, discussed extreme events, and the cost
9 in terms of damages, dollars, lives lost.

10 It was very difficult to actually do any type
11 of a cost-benefit analysis of this and what the
12 recommendations would be. We don't even have a good
13 handle as a nation of what the damages have been behind
14 levees.

15 We have somewhat of a handle on what flood
16 damages have been, but it isn't separated by leveed
17 areas and not-leveed areas. So it is very difficult
18 to, with the existing data, to really do anything
19 robust with respect to cost information.

20 So closing. We consider this an investment.
21 We're going to stay in a sustained disaster relief
22 environment unless we take some steps to begin
23 mitigating it.

24 What are the next steps? Office of Management
25 and Budget needs to release the report. Right now it

1 has been posted. It is available on the Internet as a
2 draft report. OMB has been briefed about a month ago.
3 They have not yet released the report. When they do,
4 it will be made into a final. It will be advertised.

5 I would expect media events announcing it.
6 Congress -- the staff of Congress has been briefed on
7 the report already in draft form, but they haven't been
8 provided the report.

9 We think much larger public outreach will
10 begin after the report is out. That's really the
11 beginning of the public debate. So this is kind of the
12 beginning not the end.

13 And we expect a lot more stakeholder
14 involvement over the next year or two to deal with the
15 report and recommendations and any resulting
16 legislation. And that concludes the presentation.

17 Any questions?

18 BOARD MEMBER RIE: Yes.

19 PRESIDENT CARTER: Ms. Rie.

20 BOARD MEMBER RIE: So since we're the model
21 for the nation, and we have a FloodSAFE program, and
22 the voters have approved \$4 billion or \$9 billion in
23 bond money in Proposition 84, how does this benefit us?

24 MR. MAYER: Well, we don't have federal money
25 coming in to help on those nonfederal levees throughout

1 the state. This program would provide federal funding,
2 significant federal funding, under the rehabilitation
3 and mitigation fund. That's one thing.

4 There would also be development of public
5 outreach programs, training materials, common
6 standards, and research that would be of great benefit
7 to California.

8 I think it also would give us a little bit
9 more leverage and voice with respect to what standards
10 are. Right now, for instance, on the federal levees,
11 the Corps of Engineers says here's the standard.

12 They'll listen to you, but they'll make the
13 decision, and that's what it is.

14 We're envisioning through this committee that
15 there would be advisory committees to deal with
16 technical issues. And it would be not only possible
17 but in my view likely that California would have
18 representation on those committees that would help
19 develop what these standards are and what the outreach
20 programs would be and so forth.

21 So I see a number of benefits to the State.

22 BOARD MEMBER RIE: Well, if Congress is going
23 to allocate potentially \$1 billion a year for this
24 program, wouldn't it be more advantageous to ask
25 Congress to just allocate the money directly to the

1 states, particularly our state?

2 MR. MAYER: How would Congress decide what's
3 appropriate and why California should get what it
4 should get versus 49 other states?

5 So as we tried to wrestle with those issues,
6 the thought was have a commission that's prioritizing
7 based upon risk and priorities as well as readiness to
8 proceed. And we're probably readier in many ways than
9 other states especially in the Central Valley.

10 BOARD MEMBER BROWN: I see DWR already doing
11 most of this stuff right now.

12 MR. MAYER: Not with federal money.

13 BOARD MEMBER BROWN: No, but like she says, if
14 we had federal money available, if it was available to
15 assist you in your current efforts, I see you being
16 able to accomplish practically the same thing within
17 the State of California using your staff, keeping it a
18 state project.

19 And if federal funds are available, then
20 California should have access to those funds also.

21 I think that program that the Department has
22 on right now on the statewide planning issues on flood
23 control is just -- I think it's wonderful.

24 And I really question the wisdom of setting a
25 bureaucracy between what you are already planning on

1 doing and are doing, and particularly with the federal
2 government in control.

3 I'd like to see the Department stay in
4 control.

5 BOARD MEMBER RIE: Why would the federal
6 government give us that money now directly since we're
7 spending our own money? I mean, if they're willing to
8 allocate \$1 million a year for a new commission, why
9 wouldn't they be willing to give us money now that
10 we're already spending?

11 MR. MAYER: Well. I'm not sure how to answer
12 that question other than they're not giving us the
13 money now.

14 The money that we're getting now comes through
15 the Corps of Engineers and is on the federal projects.
16 And there is a little bit of money that comes through
17 FEMA, and FEMA administers a grant program.

18 There isn't a program which it sounds like
19 you're kind of envisioning which would just say here's
20 money, California, for flood stuff; go do good with it.

21 It's always administered through some federal
22 agency, either carrying out the work itself or
23 providing grants.

24 BOARD MEMBER BROWN: It goes through the Corps
25 and FEMA now.

1 MR. MAYER: It goes through the Corps and the
2 Corps does the work or it goes through FEMA and FEMA
3 doesn't do the work; they hand out a grant.

4 BOARD MEMBER BROWN: Yeah.

5 MR. MAYER: And that's what's envisioned here,
6 handing out grants.

7 BOARD MEMBER RIE: Wasn't the CALFED money
8 allocated directly by the federal government directly
9 to the states?

10 MR. MAYER: I can't speak to CALFED, but --
11 no, I'm not going to answer that. I don't know details
12 of how that funding flowed.

13 BOARD MEMBER RIE: I think there are instances
14 where we get money directly. And for most highway
15 projects the money goes directly from the federal
16 government to regional agencies.

17 And then the regional agencies, like in the
18 Bay Area it's MTC, they allocate the money to local
19 agencies.

20 So it would seem it would serve our purposes
21 if the money could be allocated to the states, and then
22 the states could determine the priorities and the
23 distribution of the money better than any federal
24 commission could.

25 MR. MAYER: Perhaps.

1 PRESIDENT CARTER: I think there is -- what I
2 noticed in my participation is there's a wide range and
3 level of sophistication among the states.

4 And California is probably one of the most
5 sophisticated in terms of levee management, design and
6 so the challenge is -- and that's not to say there is
7 not a need in the states that don't have any
8 sophistication -- the challenge is how do you put a
9 structure together outside of this additional
10 bureaucratic layer to help allocate that money and
11 decide where it ought to go? It's a difficult
12 situation.

13 BOARD MEMBER BROWN: California, I think, is
14 in a unique position because of the efforts -- you
15 know, that report that George gave this morning. Very
16 detailed and enlightening to people who aren't familiar
17 with what's happening in California.

18 I hate to see California turn over any of the
19 regulatory responsibility, more than what we already
20 have, to the federal government on this. I think it's
21 just -- I think it's a state issue as much as we can
22 make it.

23 PRESIDENT CARTER: Any other questions?

24 VICE-PRESIDENT HODGKINS: Rod, do you know
25 what the average annual flood damages are nationwide?

1 Does anybody?

2 MR. MAYER: No. We have a slide that touches
3 on this near the end. And we thought -- using some
4 California information and extrapolating greatly, it
5 looks like probably on the order of 4, 5, maybe as high
6 as \$10 billion per year.

7 But we don't have the detailed information
8 like I was describing, separating levees from
9 non-leveed areas.

10 VICE-PRESIDENT HODGKINS: You know, as I think
11 about this, I'm trying to think about why would the
12 federal government be willing to do this? Why should
13 Congress do it?

14 And the reason would be is reduce flood
15 damages and all of that. So you can't spend more
16 potentially than you can reduce damages, I don't think.

17 MR. MAYER: Right.

18 VICE-PRESIDENT HODGKINS: That could be
19 engineered, I don't know.

20 MR. MAYER: That's also proposed in the
21 report. I glossed over it on the slide. I didn't even
22 touch on it on a slide.

23 The idea is, yeah, we're going to invest in
24 cost-beneficial projects, not projects that are not
25 cost-justified with the exception of where risk to life

1 figures into the equation. You might find that the
2 strict economics don't pencil out, but risk to life
3 carries the day.

4 VICE-PRESIDENT HODGKINS: And then a question
5 that I have is: If you looked at New Orleans, and I
6 don't know anything about it but you probably know
7 quite a bit, can you think of ways that this would have
8 made a difference that you could try to use that to
9 help people understand why it's important to do this?

10 MR. MAYER: Is the question, would New Orleans
11 perhaps have, if those levees systems had performed
12 better, had this been around for years prior to that
13 event? Is that the question?

14 VICE-PRESIDENT HODGKINS: Yeah, but it would
15 go farther than that because that I don't know if the
16 damage is totally due to the failure of the levees or
17 the levees were only ten percent of the damage, that
18 kind of --

19 MR. MAYER: Well, I think New Orleans would
20 have fared much better if a program like this had been
21 in place for the simple fact that there would have been
22 more robust evacuation plans and evacuations.

23 So there would have been lowered risk to life.
24 And the levee systems would have been measured by
25 common standards and that information reported.

1 Whether or not they did anything to address
2 it -- it'd be nice to think that they would, but maybe
3 it wouldn't -- maybe the levees would have worked just
4 like they did in August 2005.

5 But also, you'd have the public a lot more
6 aware, and they would have had flood insurance. So
7 recovery would have gone a lot better than what -- the
8 way it has gone.

9 VICE-PRESIDENT HODGKINS: Okay.

10 PRESIDENT CARTER: Rod, thank you very much.
11 Emma, did you have a question?

12 BOARD MEMBER SUAREZ: Just one quick question.
13 I imagine this report will go to Congress?

14 MR. MAYER: Yes.

15 BOARD MEMBER SUAREZ: Is the Schwarzenegger
16 administration DWR going to support the findings of
17 this report in full?

18 MR. MAYER: That remains to be seen. I don't
19 know what the administration will do.

20 We think -- we are going to look for the
21 states to provide input and see what they support and
22 whether or not they support it in total or with
23 caveats. And it won't be just California, of course.

24 But that hasn't been engaged yet. The first
25 step is get the report to Congress.

1 BOARD MEMBER SUAREZ: So then I imagine
2 Congress will hold hearings of some sort to --

3 MR. MAYER: Yes. We imagine that as well.

4 BOARD MEMBER SUAREZ: Okay. So at that time,
5 the question becomes: Who for the State of California
6 gets to express an opinion about this.

7 I imagine that this Board might have a
8 slightly different opinion, perhaps a little less
9 enthusiastic opinion, perhaps than you do.

10 MR. MAYER: That may be.

11 And I'm not sure what my opinion will matter
12 with respect to what the Governor's office and
13 administration have to say.

14 PRESIDENT CARTER: That's something that the
15 Board is going to have to consider, whether or not it
16 wants to weigh in as a Board on the report and
17 recommendations.

18 So as you take this back and let it simmer,
19 that's something we might bring back before the Board
20 when the time is appropriate. We don't know when OMB
21 is going to release it.

22 MR. MAYER: We do not know.

23 They have had it -- they have been briefed a
24 month ago at this point.

25 PRESIDENT CARTER: Do we know, we have a

1 guesstimate as to what's typical? Is it months or is
2 it --

3 MR. MAYER: Well I think some of us expected
4 that by now they would have released it.

5 BOARD MEMBER SUAREZ: It may be stuck in the
6 change of administration.

7 MR. MAYER: Yeah, they might be busy with
8 other things at this point.

9 PRESIDENT CARTER: All right. Well. So
10 that -- we'll revisit it then at a later date.

11 MR. MAYER: Okay.

12 PRESIDENT CARTER: This has been very, very
13 helpful, Rod. Thank you very much.

14 MR. MAYER: You're welcome.

15 And maybe I should point out the committee
16 members have different views of the report. For
17 instance, I'm not enthusiastic about everything in
18 there, my take, at all.

19 Some of the things I'm very enthusiastic about
20 and some less. Other committee members feel the same
21 way on different points of it. And it certainly in no
22 way represents the State of California's opinion. The
23 state needs to form its own opinion.

24 PRESIDENT CARTER: It is a committee comprised
25 of representatives from throughout the nation and

1 across agencies and disciplines and representation.

2 BOARD MEMBER BROWN: Rod, I'd like to thank
3 you for your efforts that you put in on this and your
4 knowledge and background.

5 And perhaps if the Department hasn't -- had
6 not done such a fine job, I think, in the recent years
7 in addressing these same issues, I could initially be
8 more supportive of it.

9 But I think it's something that I hope you
10 will really think this through and ask yourselves if we
11 really want to turn over the regulatory portion of what
12 we're doing here, flood control, to in a sense the
13 federal government on this any more than we already
14 have.

15 I would like to see it stay as much California
16 as we can. And with that, maybe you'll figure out how
17 we can do that and still accomplish both ends. And if
18 you have some other ideas for us, I for one would like
19 to see you come back and present those.

20 MR. MAYER: Well, thank you. I appreciate
21 those remarks.

22 PRESIDENT CARTER: Thank you very much.

23 Ladies and gentlemen, move on to Board
24 reports. Item 16, Board Comments and Task Leader
25 Reports. Shall we just go down the line?

1 Emma, would you like to?

2 BOARD MEMBER SUAREZ: I'll do it very quick.

3 On the task group that's working on the Tier II
4 regulations, we had a conference call a couple of weeks
5 ago. And we had issues that we wanted to cover in the
6 second tier.

7 At the time, we discussed having a first
8 public workshop sometime after Easter at which time we
9 would present an outline of the parts of the current
10 regulations that we would like to update and amend and
11 a discussion of why we thought that was necessary and
12 kind of open it for public dialogue.

13 With all the issues regarding the budget and
14 the furlough and all that, it isn't clear to me whether
15 a soon-after-Easter deadline is -- or date is still
16 viable. And we're still waiting to hear from DWR
17 whether or not we have appropriate technical staffing.

18 My hope would be, though, by early summer at
19 the latest we would have, I think, our first workshop
20 to at least start the public dialogue regarding the
21 Tier II regulations.

22 The Tier I process is moving along fine, as
23 far as my understanding is, so we should be sending --
24 we should be -- at this point, I believe that the state
25 agency that reviews for form and all that type of stuff

1 is in the process of reviewing our package to make sure
2 it conforms. So that's on the Tier II regulations.

3 On the issue of liability as it relates to the
4 Joint Powers Authority, there was a subcommittee
5 meeting which I did not attend but somehow I ended up
6 being appointed the chair.

7 Teri chaired that particular meeting, and she
8 unfortunately left, but I think the bottom line on that
9 is we are having a second subcommittee meeting on
10 March the 13th in the afternoon. At that time, we'll
11 probably start really focusing on the different -- if
12 we're going to put together a policy, the different
13 forms that policy might look like.

14 Of course, one might be we don't need a
15 policy, a blanket policy, that we take it case by case.

16 A second alternative might be under what
17 circumstances we might need that policy, or some type
18 of trigger that requires us to have the JPA's
19 individual members make some type of assurance that
20 they will stand in in cases of any type of liability if
21 the JPA is no longer there.

22 Or we might have a policy that fits under all
23 circumstances. No matter what, we're going to require
24 that. We're still kind of sorting through that. But
25 that will be -- our next set of discussions will be on

1 the 13th. My understanding was that the February
2 meeting was very well attended, and I'm hoping the next
3 one will be too.

4 PRESIDENT CARTER: Thank you. Butch?

5 VICE-PRESIDENT HODGKINS: I think the only
6 thing I'm going to add to this is -- I thought first of
7 all on the committee meeting on the JPAs, if you are
8 interested, you ought to take a look at the stuff on
9 the website about that.

10 There was a very good background paper put
11 together by Scott on behalf of the JPAs, but that I
12 think presents a good assessment of some of the issues
13 associated with that. And it's going to be an
14 interesting next meeting to try and wade through
15 essentially.

16 I think the other things that I've been
17 involved in, we did have a meeting with Steve on the
18 Central Valley Flood Protection Plan and the process
19 there.

20 I actually -- while we were discouraged
21 because of the budget problems and the fact that the
22 team that's working on that can't write any task
23 orders, they basically were caught up in not being able
24 to move forward and do the work, even though they are
25 beginning to get a handle on what they think the work

1 is.

2 I was encouraged by the fact that, as Steve
3 kind of went through and explained once again what they
4 have in mind, I think the Plan is -- the approach to
5 developing the Plan is beginning to take shape and it's
6 beginning, at least to me, to make some sense.

7 And so when they get their funding arranged
8 and a little farther down the road, I think it may be
9 time to have Steve come and bring the whole Board along
10 on where they're headed.

11 The other thing that I continue to be involved
12 in is this Bay/Delta Conservation Plan as it relates to
13 the Lower Bypass Planning Forum. And now there's a DWR
14 committee that's providing input to some of the DWR
15 folks who are working on the proposed modifications to
16 the Fremont Weir.

17 And I think that that -- again, I sent you
18 around e-mail, a summary of the Bay/Delta Conservation
19 Plan, and tried to identify for you the portions of
20 that plan that are going to affect the flood control
21 system.

22 And I hope we can get a meeting scheduled or
23 presentation scheduled here before the Board to kind of
24 walk you through those so you just become aware of
25 them. That they -- the modification to the Fremont

1 Weir and changing how the bypass is operated -- not
2 from a flood standpoint; in effect, they want to be
3 flood neutral -- but from the standpoint of putting
4 water down to try and help the fish is I think it will
5 be very much of interest to the Board and for a lot of
6 other people as well.

7 Last thing, I went to the Sac Bank scoping
8 meeting. I know Ben went to one in Colusa. I'll be
9 excited to hear a little bit about that. Here in
10 Sacramento, there were about 40 people, but most of
11 those people were agency people or consultants. And if
12 they were there representing their clients, nobody said
13 much.

14 And the presentation, which I thought was
15 pretty well done, didn't draw any comments or questions
16 that were expressed in public. So. Looks like they're
17 moving forward.

18 PRESIDENT CARTER: Thank you. Lady Bug?

19 SECRETARY DOHERTY: Sacramento River Bank
20 Protection I went to also. But most of the meetings
21 I've gone to have been concerning the lack of water,
22 not levees so much.

23 But one thing that was very interesting that
24 came out of the JPA meeting was the cost of insurance.
25 I thought that was extremely interesting, the fact is

1 it one-third of your budget goes to insurance?

2 VICE-PRESIDENT HODGKINS: No, no.

3 SECRETARY DOHERTY: 70,000?

4 VICE-PRESIDENT HODGKINS: But it was a
5 significant percentage. \$300,000 a year.

6 SECRETARY DOHERTY: Yeah. And how difficult
7 it is to find somebody who will insure you for flood
8 insurance. I mean, a large organization, not -- I mean
9 a household, you can get it. I thought that was
10 interesting.

11 PRESIDENT CARTER: John?

12 BOARD MEMBER BROWN: The Central Valley Flood
13 Protection Plan, we had a meeting on, Steve and Butch.

14 I'm really impressed with that plan. That's
15 one of the reasons why I was so concerned about seeing
16 us turn over a lot of our authority here in trying to
17 get something done to the federal government on this
18 same issue.

19 But having an ongoing interest in water, I
20 wish we had a plan like that to balance water supplies
21 within the state versus demands. This project is on
22 hold right now, but I hope it's resurrected soon and I
23 really support that.

24 I'm invited to make a presentation to our
25 Rotary club this Thursday, as a matter of fact, if any

1 of you are interested, and letting the -- at least that
2 community know what is happening in the way of flood
3 control measures, operations and such within their area
4 of concern. So I'm interesting in hearing it. That's
5 for the East Sacramento Rotary.

6 And then the last one is that Jay informed me
7 that the Meridian project got approved by the Corps of
8 Engineers. So that will take that problem off of our
9 backs for the time being. And it was Jay and his
10 efforts helped pushing some of those permits through,
11 I'm very pleased to see, Mr. Chairman.

12 That's all I have.

13 PRESIDENT CARTER: I -- let's see. The first
14 thing I want to report is that I got a call from an
15 applicant, Al Montna, regarding his project in the
16 Sutter Bypass.

17 And he basically expressed frustration that
18 the permit was being held up and was being kept at
19 arm's length from the Corps and not -- he was running
20 up against a grant deadline in terms of being able to
21 start -- he had to start his project.

22 So I told him that he had an application
23 before the Board, and I couldn't really talk to him,
24 but he needed to talk to Jay and which he subsequently
25 did, I heard from Jay. And he subsequently left me a

1 message on my voicemail that staff had been very
2 responsive.

3 So I don't know exactly what you did for him,
4 but he was -- after he had vented, he was happier.

5 EXECUTIVE OFFICER PUNIA: We did meet with the
6 staff, and still there are uphill battles to get his
7 permit through the Corps process. But we had a chance
8 to meet and hear his concerns.

9 BOARD MEMBER SUAREZ: Is this a permit we
10 approved and are still waiting for 408, 201 or
11 whatever?

12 EXECUTIVE OFFICER PUNIA: Yeah. One permit
13 was approved by the Board, and we are waiting for the
14 Corps to conference on that. Then he has another
15 application which --

16 BOARD MEMBER SUAREZ: We have it.

17 EXECUTIVE OFFICER PUNIA: -- the Board hasn't
18 heard.

19 BOARD MEMBER SUAREZ: Is that the one he was
20 complaining about?

21 EXECUTIVE OFFICER PUNIA: He was complaining
22 of both. So he wants to have a permit for the first
23 phase, and then he wants to have his second permit also
24 heard at the board.

25 BOARD MEMBER SUAREZ: What's holding that up?

1 EXECUTIVE OFFICER PUNIA: I think the staff's
2 position is there are a lot of flood control projects
3 ahead in the line than that project. So staff is
4 thinking we are going to expedite to best of our
5 ability, but we don't want to jump lines when there are
6 flood control projects waiting in the line.

7 So we are doing our best to -- I think Eric
8 may have a schedule when we attempt it. I think our
9 plan is to take that permit in April, I think if, Jon,
10 I remember correctly.

11 CHIEF YEGO: We haven't committed yet.

12 EXECUTIVE OFFICER PUNIA: Staff is reviewing
13 it. With the workflow on our table, we cannot -- I
14 cannot give you a firm date when we will have it for
15 the Board here.

16 BOARD MEMBER SUAREZ: And the grant issue is
17 which one, the first one or the second?

18 EXECUTIVE OFFICER PUNIA: Second one.

19 SECRETARY DOHERTY: He's used to being jumped.

20 BOARD MEMBER SUAREZ: But is the grant problem
21 a real problem?

22 EXECUTIVE OFFICER PUNIA: His comment to us
23 was that by end of April he wants to show the people
24 who are going to give the grant that he has the Board
25 permit.

1 BOARD MEMBER SUAREZ: But that doesn't sound
2 like it could happen.

3 EXECUTIVE OFFICER PUNIA: I think we try our
4 best to accommodate people. Sometimes we are
5 successful, and sometimes we are not.

6 PRESIDENT CARTER: So I guess I should expect
7 another call in another few weeks. All right.

8 In any case, I did attend the Corps flood
9 protection scoping meeting for the Sac Bank Phase two
10 in Colusa. There were ten nonagency people there.

11 SECRETARY DOHERTY: That many?

12 PRESIDENT CARTER: Yes. According to the
13 sign-in sheet I checked. That included you, though,
14 Lady Bug.

15 (Laughter)

16 PRESIDENT CARTER: And there -- I was hoping
17 for more participation from the local community.
18 However, the presentation was a good presentation.
19 They had several stations with lot of graphics, and so
20 they had a lot of good information there. It's
21 unfortunate that more did not participate.

22 There were some good questions. But it was a
23 relatively smooth meeting, unlike a lot of meetings in
24 Colusa where the locals don't hold back. This one was
25 fairly tame.

1 Then finally, we have a California Levee
2 Roundtable meeting tomorrow. This meeting -- it is our
3 expectation and true hope that the framework will be
4 finalized.

5 We'll discuss a communications rollout plan
6 for the framework. But it appears that the framework
7 is stable enough that everyone can buy into it and we
8 can begin to roll it out.

9 The preliminary plans as far as communications
10 is that we're going to preview it with the local
11 maintaining agencies as well as the NGOs, the
12 environmental NGOs, before it's announced publicly.

13 And the hope is that we can announce it at our
14 next Board meeting, so that would be in March, Board
15 meeting we're we'd have a press event and there would
16 be members, representatives from the various Roundtable
17 agencies there to say a few words to represent the
18 agencies about the framework.

19 SECRETARY DOHERTY: Now how does that fit in
20 with a national levee safety program?

21 PRESIDENT CARTER: It is separate but
22 consistent. It's a completely separate effort. Much
23 of the discussion that the Roundtable had was discussed
24 at the national level when it comes to particular
25 vegetation and maintenance of levees.

1 The national committee on levee safety was a
2 much higher altitude view on policy, whereas the
3 framework is really a -- it's a guide on how California
4 is going to move forward, both in the short term and a
5 long term, in terms of managing and improving its
6 levees in conjunction with Central Valley Flood
7 Protection Plan and California FloodSAFE.

8 SECRETARY DOHERTY: I think this is one thing
9 that most of the people I have talked to are very much
10 anticipating the results, that information you're going
11 to be sending.

12 PRESIDENT CARTER: Yeah. And one of the key
13 objectives was to -- given that we had so many levees
14 that did not comply with the Corps' national standards,
15 in particular on vegetation, we wanted to develop a
16 plan that would assure the Corps that California was
17 going to make progress towards the national standards
18 while at the same time preserve the environmental and
19 cultural resources of the habitat. And at the same
20 time maintain PL84-99 eligibility for the various local
21 maintaining agencies around the state.

22 SECRETARY DOHERTY: And you think that will be
23 ready next month.

24 PRESIDENT CARTER: I hope that the Roundtable
25 puts its stamp of approval on it tomorrow, and then

1 we'll begin the process of rolling it out. And if
2 things go well, in our March meeting we will have an
3 event with a marching band and all that.

4 SECRETARY DOHERTY: Good.

5 PRESIDENT CARTER: So. That's basically all I
6 have. Jay?

7 EXECUTIVE OFFICER PUNIA: Jay Punia. I think
8 first of all, we have done this before but I want to
9 introduce Jon Yego has hired an environmental
10 specialist, James Herota.

11 James has a BS in agricultural science and
12 also a degree in public administration from Sac State
13 and BS from Chico State, if I'm correct. James, do you
14 want to say a few words just to introduce a little more
15 detail about yourself.

16 MR. HEROTA: Sure. Chairman Carter, Board
17 Members. Mr. Punia, thank you for the introduction.
18 I'm James Herota. I'm a recent new hire from Jon
19 Yego's group.

20 I've grown up in the northern Sacramento
21 Valley around Yuba City and have lived around levees
22 all my life, and I look forward to working with the
23 Board and improving the integrity of our levee system
24 and directly receiving benefits of that. So I look
25 forward to working with all of you.

1 PRESIDENT CARTER: Welcome aboard.

2 MR. HEROTA: Thank you.

3 EXECUTIVE OFFICER PUNIA: A little bit
4 regarding logistic of the meeting. Due to the state
5 employees' furlough, I think the plan is keep the
6 meeting to the fourth Friday, starting March meeting.
7 So the March meeting will be on the March 27th and
8 we'll continue to meet in this hearing room.

9 However, in this plan there is a little bit
10 wrinkle for the November and December meetings. The
11 fourth Friday in November is day after Thanksgiving
12 which is a state holiday so I think we may have to
13 reschedule the November meeting some other date.

14 And same, the fourth Friday is a Christmas on
15 December, so we will have a different schedule for
16 November and December. But the rest of the meetings
17 will be the fourth Friday of each month starting
18 March 2009.

19 BOARD MEMBER BROWN: And the other hearing
20 room is not available to us?

21 EXECUTIVE OFFICER PUNIA: No. Other hearing
22 room is not available. But we are keeping our third
23 Friday reservation still alive that if the furlough
24 plan was changed then we will work back to the third
25 Friday.

1 PRESIDENT CARTER: Does somebody have a
2 standing reservation on the fourth Friday?

3 EXECUTIVE OFFICER PUNIA: Yes, the Department
4 of Park and Recreation has reserved the hearing room
5 and the resources for the fourth Fridays.

6 As far as the state employees' furlough are
7 concerns, there will be -- still the plan is that the
8 first and the third Friday of each month, state
9 employees will be furloughed.

10 BOARD MEMBER BROWN: Including our staff.

11 EXECUTIVE OFFICER PUNIA: That's correct.

12 Budget letters, I think they were briefly
13 discussed. December 18, 2008, budget letter which is
14 requesting all state agencies to cease authorize any
15 new grants or obligations for flood projects, including
16 new phases of existing projects still in effect.

17 That's why we are not able to take action on
18 the West Sacramento project. We had discussions,
19 lengthy discussions with the local applicants and are
20 encouraging them to sign the feasibility cost-share
21 agreements with the US Army Corps of Engineers to keep
22 the projects going.

23 Stockton, San Joaquin area feasibility study
24 has signed the cost-share agreement with the US Army
25 Corps of Engineers and West Sacramento is planning to

1 do the same to keep these feasibility studies general
2 evaluation report going.

3 I think it's good approach that these studies
4 are not delayed, that they can continue the study and
5 then we can join in whenever the budget situation
6 improves.

7 PRESIDENT CARTER: So they're signing the
8 feasibility cost-share agreements which we would
9 normally sign, and then we would sign a local
10 cost-share agreement with them?

11 EXECUTIVE OFFICER PUNIA: That's correct.
12 Levee District 1 sent us a letter asking us to work
13 with the Department of Water Resources to remove
14 vegetation and debris from the Feather River from
15 Oroville Dam at the confluence with the Sacramento
16 River.

17 I have a talked to our staff and discussed
18 with President Ben Carter, and we have responded back
19 to the LD 1 that we are not aware of any conveyance
20 problems of the Feather River, but we will sit with
21 them and hear their concerns and then see what they
22 need us to take action. And then we will coordinate
23 with the US Army Corps of Engineers and Department.

24 PRESIDENT CARTER: I think the general message
25 there is that the existence of vegetation in the

1 channel doesn't lead to a determination that there's a
2 problem with conveyance without appropriate scientific
3 justification. So that's essentially the message we
4 sent to them in the letter.

5 And if they do have scientific or empirical
6 justification that there is a problem there, we want to
7 know about it. But we're not aware of one now so.

8 And they just have seen a lot of vegetation
9 accrue, and so they're sensing that there's a problem
10 there. And there may be. We're not denying that. But
11 we need to find out, and we need to do it on a
12 scientific basis is as opposed to just a gut feel.

13 EXECUTIVE OFFICER PUNIA: Little bit more
14 background on the same issue. They started -- the
15 Board is emphasizing vegetation clearance in the Sutter
16 Bypass, so they are asking similar action that the
17 Board should take to clear the vegetation from the
18 Feather River.

19 But I think our response, as President Ben
20 Carter mentioned, that we are not aware of that
21 vegetation has created problems where there is a
22 problem in passing the design flow encroaching into the
23 freeboard in the Feather River. But we will sit with
24 them and hear their concerns. I'll report at a meeting
25 in greater detail.

1 BOARD MEMBER SUAREZ: Why would it be our
2 responsibility?

3 EXECUTIVE OFFICER PUNIA: Based upon the Water
4 Code, the channel clearing responsibility is to the
5 Department of Water Resources. But we have given the
6 assurance to the US Army Corps of Engineers that we
7 will maintain your projects so that it can pass the
8 design flow. So the assurance to US Army Corps of
9 Engineers is from the Board.

10 BOARD MEMBER SUAREZ: But it's not the US
11 Corps.

12 EXECUTIVE OFFICER PUNIA: I'm missing the
13 point. We have given assurance to the US Army Corps of
14 Engineers. So the locals are saying you gave the
15 assurance to the US Army Corps of Engineers, so you
16 make sure that we can pass the design flows.

17 PRESIDENT CARTER: If there is a concern that
18 the system is not performing as designed, it's
19 incumbent upon us to address that. And the issue right
20 now is that there's a concern, but we don't have any
21 data to support it.

22 BOARD MEMBER RIE: So it doesn't mean going to
23 the -- I mean, do we maintain the area, do we --

24 EXECUTIVE OFFICER PUNIA: State maintains --
25 Yeah, the channel is maintained by the state, by DWR.

1 They are responsible for maintaining all the channels
2 of the Sacramento River flood control.

3 PRESIDENT CARTER: And if they aren't doing
4 their job, it's incumbent upon this Board to ask them
5 to do their job and remove the roadblock so they can.

6 Mr. Brown?

7 BOARD MEMBER BROWN: Were you through, Jay?

8 EXECUTIVE OFFICER PUNIA: No, I have a big
9 laundry list yet, so.

10 BOARD MEMBER BROWN: Great.

11 (Laughter)

12 EXECUTIVE OFFICER PUNIA: Matt Campbell will
13 help us and provide a legal services to the Board after
14 Ginny Cahill's retirement. Along with Debbie Smith.

15 And we're happy with this continuation from
16 Department of Justice to continue to provide us legal
17 services and have a chance to meet with Matt Campbell
18 very capable person and Ginny -- good recommendation
19 from Ginny that he will provide us good legal services.

20 PRESIDENT CARTER: You're priming him?

21 DEPUTY ATTORNEY GENERAL CAHILL: Like me, we
22 both sat through 80 days of Bay/Delta hearings in this
23 very room. So he knows where the features are on the
24 system. He knows which directions the water flows.

25 He's an experienced attorney, has more

1 seniority than I do at the Department of Justice.

2 SECRETARY DOHERTY: He's not ready to retire,
3 is he?

4 DEPUTY ATTORNEY GENERAL CAHILL: I think not;
5 he's considerably younger. And Debbie Smith, you've
6 already met. I think Debbie's excellent. I respect
7 her judgment. She is very bright and has shown her
8 enthusiasm the last year. So both good people.

9 PRESIDENT CARTER: We're in good hands.

10 SECRETARY DOHERTY: Yes.

11 EXECUTIVE OFFICER PUNIA: And on behalf of the
12 Board, President Ben Carter, Vice President Butch
13 Hodgkins and myself attended Jim Sander's retirement
14 party. It was well attended, and lot of people from
15 local and US Army Corps of Engineers representatives
16 were there.

17 Staff met with the US Army Corps of Engineers
18 staff to go over the template to improve our
19 applications submittal to the US Army Corps of
20 Engineers.

21 Eric, do you want to give a one-minute
22 synopsis of what the outcome is?

23 SENIOR ENGINEER BUTLER: At this point, the
24 template is really a cover sheet that we would attach
25 to a permit application as part of its transmittal once

1 we have accepted it into our system, and then we're
2 transmitting it to the Corps.

3 Corps has asked us to work with them on ways
4 to streamline their review process. So initially, the
5 way I look at this cover sheet, it's kind of a check
6 and fill-in-the-boxes type of thing, really with the
7 intent to better triage the projects as they come in so
8 that the Corps can more quickly when it comes to them
9 say, okay, yes, This is going to require 20810, not
10 408. It's an urban project, it involves boring or
11 crossing. We sort of categorized it in a number of
12 different ways.

13 We perform a very preliminary review of
14 potential for hydraulic and geotechnical impacts. We
15 do a little bit of standard map attachments to it so
16 they can more quickly see physically where is it, which
17 levees are impacted.

18 And I thought we had a very productive couple
19 of hour meeting. I believe it was this Monday. Gary,
20 Jon, Steve and I teleconferenced with members of the
21 Corps, and I think we made quite a bit of headway in
22 coming up with something that will benefit both
23 agencies in the overall goal of the streamlining the
24 process of getting through the permits more quickly.

25 So we will update the template based on our

1 conversations that we had last Monday, kick it out for
2 another round of review, and I expect that we will be
3 able to start using it and further refine it as a work
4 in progress. I'm pretty pleased with the results to
5 date.

6 EXECUTIVE OFFICER PUNIA: Thank you.

7 PRESIDENT CARTER: What's the timing on that?

8 SENIOR ENGINEER BUTLER: I'll start working on
9 it tomorrow or Monday, the update, and then I'll ship
10 it out right away and we'll get everyone's final
11 comments. You know, they'll see it.

12 We made a lot of changes so they'll see it,
13 and hopefully we'll start using it quickly, I would
14 say -- I would anticipate within the next month.

15 EXECUTIVE OFFICER PUNIA: DWR invited me to
16 brief their DWR middle management training class to
17 brief them about our role and responsibility and how we
18 interact with DWR. It was a good chance to provide
19 background education to the younger DWR managers so
20 that they get to know us, what our role is, and how we
21 interact with the Department of Water Resources.

22 Based upon our recommendation yesterday, Steve
23 Dawson received DWR Director's Award for Outstanding
24 Professional Accomplishment and Sustained Superior
25 Accomplishment Award.

1 PRESIDENT CARTER: Great.

2 SECRETARY DOHERTY: Too bad he's not here.

3 CHIEF YEGO: He's back at the office trying to
4 get the permits out.

5 EXECUTIVE OFFICER PUNIA: I had a chance to
6 discuss with President Ben Carter and with President
7 Ben Carter's input we finished customer satisfaction
8 survey for the Sacramento District and it was shipped
9 to them.

10 Basically, we rated them satisfactory most of
11 the categories but we rated them unsatisfactory in the
12 permit area, that there's a substantial delay getting
13 the permits from the US Army Corps of Engineers on the
14 encroachment permit side.

15 Hiring process update. Our five positions are
16 being advertised. I think today was the final filing
17 date.

18 SUPERVISING ENGINEER FUA: Yesterday.

19 EXECUTIVE OFFICER PUNIA: Yesterday final
20 filing date. So we have received big candidate pools
21 for the entry-level positions for engineers, but the
22 candidate pool for the senior engineers is ten. But
23 there may be some other applications still coming in
24 the mail.

25 So we will be scheduling interviews for hiring

1 two senior engineers and three entry-level engineers.

2 And we are also working to hire Gary Hester's
3 replacement for our chief engineer's position. This is
4 taking a little time because personnel hasn't allowed
5 us to advertise at a principal engineer level. That's
6 what we're trying to do at this time. And they're
7 asking more questions and justifications.

8 And we have received applications for our
9 administrative officer vacancy, and I will be
10 scheduling the interviews to fill that position soon.

11 PRESIDENT CARTER: Is there anything we can do
12 to help with the chief engineer?

13 EXECUTIVE OFFICER PUNIA: My plan is that if I
14 don't get the approval from the personnel pretty soon
15 then I'll involve Mark Cowin and you, Ben, to get the
16 approval from the Department's personnel office.

17 PRESIDENT CARTER: Okay. Gary, you're leaving
18 us next week?

19 CHIEF ENGINEER HESTER: Yes. Actually,
20 tomorrow is my last day. I'll be trying to start the
21 new job Monday and still clean up over the next couple
22 of weeks and make sure things don't fall through the
23 cracks, or at least try.

24 EXECUTIVE OFFICER PUNIA: Today is Gary's last
25 meeting. Gary can run, but can't hide. So he will be

1 still involved with the Board for involvement of the
2 Central Valley Flood Protection plan.

3 CHIEF ENGINEER HESTER: You will definitely
4 see more of me.

5 PRESIDENT CARTER: Isn't your new office in
6 this building?

7 CHIEF ENGINEER HESTER: Actually, I'll be
8 working very closely with Steve Bradley and his team
9 but my office will be in the Resources Building on the
10 11th floor. Just outside of Mark Cowin's office.

11 PRESIDENT CARTER: We'll come and find you.

12 BOARD MEMBER BROWN: What is your position
13 again?

14 CHIEF ENGINEER HESTER: I will be the
15 portfolio manager over the Central Valley Flood
16 Protection Plan, many of the floodplain management
17 deliverables, the statewide plan.

18 BOARD MEMBER BROWN: Is that the same plan I
19 was bragging on here just a few minutes ago.

20 CHIEF ENGINEER HESTER: Yes. So in essence
21 I'll be taking over a lot of Ken Kirby's role to have a
22 DWR person making some of those decisions and
23 presentations.

24 BOARD MEMBER BROWN: Good for you.

25 PRESIDENT CARTER: So Steve is going to be

1 working with -- for you and Ricardo.

2 CHIEF ENGINEER HESTER: Part of Ricardo's
3 activities fall in that category, yes. Tom Christensen
4 on Ricardo's staff is overseeing a lot of the hydrology
5 and hydraulics consulting contracts.

6 BOARD MEMBER BROWN: Butch and I are the
7 subcommittee on that plan, so you're going to be
8 briefing Butch and I on that?

9 CHIEF ENGINEER HESTER: Yes, I plan to see you
10 regularly. As well as be directly involved in all the
11 regional workshops. And there is -- there will be sort
12 of work groups where folks are actually working on the
13 plan, directly on the content of the plan. So I think
14 that's part of the overall strategy to get local
15 buy-in.

16 SECRETARY DOHERTY: Unless you get a promotion
17 and leave.

18 PRESIDENT CARTER: Gary, wish you the best of
19 luck. That's a great move.

20 CHIEF ENGINEER HESTER: Thank you.

21 EXECUTIVE OFFICER PUNIA: Next item on my
22 list, as have been mentioned that we are meeting
23 tomorrow on the California Levee Roundtable meeting to
24 approve the framework document.

25 We are -- we have scheduled a meeting

1 potentially to brief the local levee maintaining
2 agencies on March 19th with the hope that we will have
3 approved from -- we will get approval for the framework
4 document tomorrow, and we will brief on 19th March to
5 the local levee maintaining agency, and then we will
6 bring that framework document to the Board at the March
7 27th meeting.

8 PRESIDENT CARTER: Actually, that will be both
9 the local maintaining agencies as well as the NGOs all
10 in the same room. So both the maintaining folks can
11 ask questions as well as the environmental folks. And
12 everybody will hear what everybody's concerns are.

13 EXECUTIVE OFFICER PUNIA: With this, I'm going
14 to pass to Gary to brief the Board about our
15 development in the Sutter Bypass resolution. I think
16 Gary was the lead in talking to the Corps and others to
17 make progress that.

18 CHIEF ENGINEER HESTER: Yeah, I'll confine it
19 to two main issues.

20 As you might recall, months ago when Keith
21 Swanson was giving a presentation on the flows and what
22 is the design flow, and the bypass became an issue
23 where there was a discrepancy between what was in the
24 O&M manual versus what's in the '57 design profile.

25 And Ginny Cahill and Noel Lerner and others on

1 Noel's staff and I met with Jim Sander a few months
2 ago, and Jim confirmed at that time that yes, in fact
3 the '57 profile is the controlling document, despite
4 what's in the O&M manuals.

5 And then we pledged to search on both sides to
6 look for the documentation on that transmittal of that
7 '57 flood profile, which we have located on our side.

8 I forwarded that to Jim for his review,
9 knowing that tomorrow is his last day. In the past
10 couple weeks, he's had a chance to -- now that he knows
11 the timing of when these documents were and where they
12 were distributed -- I think it gave him more of an
13 opportunity to actually locate them on his side.

14 But anyhow, in short, we don't have
15 confirmation from the Corps yet in writing that that is
16 in fact the case. But I'm sure that that's the true
17 picture.

18 So what we operate to on the Sutter Bypass
19 down in the reach downstream of Wadsworth Canal is
20 155,000 cfs, not the 178,000 cfs that's in the O&M
21 manual. So that's one item.

22 And then the second item on the
23 two-dimensional modelling effort. I've had
24 conversations with the Corps hydraulic design section
25 chief, Greg Kukas. He is certainly in agreement for

1 the need for that. I relayed -- since Greg didn't
2 attend the meetings where the locals made the
3 presentation that they thought the old grove
4 contributed to the 1997 levee break, I relayed that to
5 him.

6 Greg has been involved in the development of
7 the Yolo Bypass model, and I conveyed to him earlier
8 you might recall I had gotten some rough cost figures
9 from two different consultants, MBK Engineers and Eres
10 and Associates. And they both had come up with an
11 estimate in the neighborhood of \$100,000 to \$200,000.

12 What I heard from Eres is they could build on
13 some work that they were already doing for the Corps in
14 the lower part of Sutter Bypass.

15 I've also had conversations with Keith
16 Swanson, since we formally discussed this at a Board
17 meeting, and Keith is certainly receptive to putting
18 together a partnership to actually get this off the
19 ground.

20 As you recall, we inserted a caveat, if
21 funding is available, and that's been a question mark
22 so we're still working through the issues about who the
23 participants are.

24 And then finally, I made contact with the Fish
25 and Wildlife Service. And they certainly support the

1 overall strategy for having a, as you put it Ben, a
2 scientific tool we could use to make the determination
3 of is this channel passing design flow at the design
4 stage.

5 So they're -- certainly they're not able to
6 make any kind of commitment at this time, but Kevin
7 Forster and Kelly Moroni were both very much supportive
8 of the concept. And then the other thing that I
9 would --

10 PRESIDENT CARTER: When you say not able to
11 make a commitment at this point, are they working
12 towards being able to make a commitment?

13 CHIEF ENGINEER HESTER: You know, I think I
14 had mentioned a couple of months ago that they actually
15 receive funding from DWR on permit issues. And you
16 know, I think it's too early to tell.

17 I think we actually have to sit down
18 face-to-face with everybody in the room and see what
19 their capabilities are.

20 But they were certainly receptive to the idea
21 that a tool would be helpful as something that we could
22 manage the bypass with. And so that's -- you know I
23 don't want to overrepresent. They're certainly
24 interested in it as a tool; whether they can commit
25 funding or not I think is too early to say.

1 And I think I'll leave it at that. Those are
2 the main issues.

3 There were some other items in the resolution
4 where we had some initial meetings related to private
5 property issues and that, and I haven't been central to
6 that, so I really can't address that one much.

7 EXECUTIVE OFFICER PUNIA: One more item I want
8 to share on the hiring process and personnel actions.
9 I have submitted the paperwork to upgrade Lorraine
10 Pendlebury's position from Staff Service Analyst to
11 Associate Program Analyst. That's the higher level in
12 that series. The paperwork is with the personnel. And
13 depending upon the personnel reaction, Ben, if needed I
14 may seek your help in getting this paperwork approved.

15 PRESIDENT CARTER: Okay.

16 EXECUTIVE OFFICER PUNIA: I think that
17 concludes my report.

18 PRESIDENT CARTER: Glad to help.

19 BOARD MEMBER SUAREZ: Mr. President, I have a
20 follow-up. Mr. Punia, where are we on getting
21 additional staff support for the Tier II regulations?

22 EXECUTIVE OFFICER PUNIA: I will ask Dan to
23 update on this.

24 SUPERVISING ENGINEER FUA: We received verbal
25 commitment by City Department of Water Resources, in

1 particular the -- Mike Inamine's group, the
2 geotechnical specialist is going to help us.

3 I have provided him, Steve Mahnke, the branch
4 chief, with a proposal. We call it 1498, and it's like
5 we have a contract agreement between us and them.

6 And so far, I think because of the furloughs
7 and the holidays, he has not responded to that proposal
8 yet. But I did get a verbal commitment that they have
9 available staff to help us.

10 BOARD MEMBER SUAREZ: Then my second follow-up
11 would be: Then what is the possibility of us having
12 that workshop that we had originally planned soon after
13 Easter?

14 SUPERVISING ENGINEER FUA: I am still --
15 excuse me for that. That would depend on my first
16 meeting with them. I plan to meet with them after they
17 sign the contract.

18 BOARD MEMBER SUAREZ: Could you let me know at
19 that time?

20 SUPERVISING ENGINEER FUA: I will.

21 BOARD MEMBER SUAREZ: I can advise the
22 subcommittee.

23 SUPERVISING ENGINEER FUA: I will.

24 EXECUTIVE OFFICER PUNIA: One thing I want to
25 share with the Board is that I am putting Dan's top

1 priority to recruit our new employees. I'm not saying
2 that that will delay this subcommittee meeting.

3 BOARD MEMBER SUAREZ: Better not be saying
4 that.

5 (Laughter)

6 EXECUTIVE OFFICER PUNIA: Yeah. But we -- our
7 focus/emphasis is that if we don't hire the new people
8 there is a chance that we may lose the position. So
9 Dan's first priority is to bring these three new people
10 online. But we will try to keep this schedule.

11 SUPERVISING ENGINEER FUA: Actually, four.

12 BOARD MEMBER SUAREZ: I guess my only question
13 would be as some of these triggers, things that help us
14 move along, happen, just let us know and we can get on
15 the phone real quick and see where are we are. The
16 part of it will require that discussion paper.

17 SUPERVISING ENGINEER FUA: Right.

18 BOARD MEMBER SUAREZ: And that's going to take
19 time.

20 SUPERVISING ENGINEER FUA: That would be the
21 main topic of my first meeting with them: This is what
22 we want, how soon can you provide it?

23 BOARD MEMBER SUAREZ: Great. Thank you.

24 EXECUTIVE OFFICER PUNIA: And one more item.
25 With Gary leaving, I think things are a little bit

1 overwhelming for the staff at this time. And we will
2 reprioritize them. We'll keep you informed as we shift
3 our priorities, but I think there are too many things
4 on the plate at this time. So we'll try to reevaluate
5 and reprioritize from time to time. Thank you.

6 PRESIDENT CARTER: Okay. Future agenda. I'm
7 sorry.

8 BOARD MEMBER BROWN: I'm going to pass. I
9 think we've covered enough.

10 PRESIDENT CARTER: Okay. Future agenda? Did
11 we get something in our packets today?

12 STAFF ANALYST PENDLEBURY: You did. It was in
13 your board folder today.

14 PRESIDENT CARTER: I'll share it with you.

15 So we do have a draft and under DWR additional
16 items we've got local agency annual summary report, and
17 a legislative update. I guess there's no new news
18 there. We have a Consent Calendar that's moderately
19 long. We have got four hearings scheduled. We have
20 got couple SAFCA, on seepage cutoff wall and raise and
21 realign the levee. Natomas Cross Canal, boat dock --
22 why do we have a boat dock coming at the hearing?

23 CHIEF ENGINEER HESTER: Yeah, these are two.
24 Bear Creek.

25 PRESIDENT CARTER: These are San Joaquin. So

1 these are ones that we're trying to do retroactively?

2 CHIEF ENGINEER HESTER: Yes, and they are
3 complicated in that they're partial approvals and
4 partial denials based on the Corps' review from last
5 year, and so they automatically will require a hearing.

6 PRESIDENT CARTER: Okay. And likewise the
7 retaining wall on the next permit. Okay.

8 SENIOR ENGINEER BUTLER: President Carter, may
9 I clarify that on what is currently listed as hearings
10 9A and B, it's my intent at this time to bring those to
11 you as one hearing with one resolution where you
12 approve both permits.

13 PRESIDENT CARTER: Okay. If that's the best
14 way, that's fine.

15 SENIOR ENGINEER BUTLER: It will simplify the
16 briefing process tremendously.

17 PRESIDENT CARTER: Okay. We have West Sac
18 again. Same thing we had this month. And we've got
19 Bay/Delta Conservation Plan which is -- Butch has
20 commented on. 2009 water plan update. And hopefully
21 the Roundtable. Anything else? Is there anything else
22 the Board wants to have? Sutter Bypass?

23 SECRETARY DOHERTY: I want to know what
24 happens. What's our next step now for Sutter Bypass.
25 And if we need to skip one month, I don't mind that

1 because this looks like a full agenda. But then our
2 next step would have to be in April.

3 PRESIDENT CARTER: Okay.

4 SECRETARY DOHERTY: But what is our next step?
5 That's what I need to know. What -- are we going to
6 know whether or not there is funding available?

7 PRESIDENT CARTER: Okay.

8 BOARD MEMBER SUAREZ: We haven't seen Keith in
9 a while.

10 SECRETARY DOHERTY: No, I don't want to see
11 Keith. He's going to tell me it doesn't need to be
12 done. But I'm glad you said he was agreeable. That's
13 the first time I thought maybe he would go along with
14 it, and Kevin Forster.

15 CHIEF ENGINEER HESTER: It all comes down to
16 getting sufficient money to get started on it. And I
17 think Keith will be there. I think he understands. It
18 actually fits his -- and Keith has done a really good
19 job with the interagency collaborative group where the
20 focus is corridor management. So this fits right in
21 that discussion.

22 SECRETARY DOHERTY: So.

23 PRESIDENT CARTER: I think we've --

24 SECRETARY DOHERTY: That's it.

25 PRESIDENT CARTER: Maybe you and I could talk

1 offline about that briefly and figure out what our
2 options are, and then we can discuss it next month.

3 SECRETARY DOHERTY: I think that's good.

4 PRESIDENT CARTER: Discuss it with the Board
5 next month under the same item to decide whether or not
6 we want to have some agendaized item in April.

7 SECRETARY DOHERTY: Right.

8 PRESIDENT CARTER: Anything else that people
9 want to have on the agenda? There will be other things
10 that will come up I'm sure. Okay. If there is nothing
11 else we are adjourned.

12 * * *

13 (Thereupon the CENTRAL VALLEY FLOOD
14 PROTECTION BOARD meeting adjourned at
5:18 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, LINDA KAY RIGEL, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing CENTRAL VALLEY FLOOD PROTECTION BOARD
6 meeting was reported in shorthand by me, Linda Kay
7 Rigel, a Certified Shorthand Reporter of the State of
8 California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in
12 any way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand this March 12, 2009.

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19 LINDA KAY RIGEL, CSR
20 Certified Shorthand Reporter
License No. 13196

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